



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Thirty-ninth Meeting Day

Tuesday Afternoon

April 10, 2007

The Senate convened at 3:00 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by Senator Long.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker <input type="checkbox"/>
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss <input type="checkbox"/>
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 369: present 47; excused 3. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 40, 41, 42, and 90 and the same are herewith returned to the Senate.

CLINTON MCKAY

Principal Clerk of the House

## MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

### SENATE MOTION

Madam President: I move that the Senate dissent to the House

Amendments to Engrossed Senate Bill 48 and that a conference committee be appointed to confer with a like committee of the House.

ZAKAS

Motion prevailed.

### SENATE MOTION

Madam President: I move that Senator Jackman be removed as sponsor of Engrossed House Bill 1115 and that Senator Steele be substituted therefor.

JACKMAN

Motion prevailed.

## ENGROSSED HOUSE BILLS ON SECOND READING

### Engrossed House Bill 1001

Senator Meeks called up Engrossed House Bill 1001 for second reading. The bill was read a second time by title.

### SENATE MOTION (Amendment 1001-18)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 29, line 8, delete "From the Department of Insurance Fund (IC 27-1-3-28)" and insert "**Department of Insurance Fund (IC 27-1-3-28)**".

Page 29, delete lines 9 through 14.

Page 29, between lines 16 and 17, begin a new line and insert:

**"Augmentation allowed."**

Page 48, line 5, delete "From the General Fund" and insert "**General Fund**".

Page 73, line 46, delete "131,271,390" and insert "**130,271,390**".

Page 79, line 15, after "allowed" insert ".".

Page 79, line 20, after "allowed" insert ".".

Page 83, line 26, after "corporation's" insert "**or charter school's**".

Page 83, line 29, after "corporation" insert "**or charter school**".

Page 83, line 32, delete "corporation." and insert "**corporation or charter school.**".

Page 103, line 47, delete "UPON PASSAGE]:" and insert "JANUARY 1, 2008]:".

Page 106, line 27, delete "twenty (10)" and insert "**twenty (20)**".

Page 109, delete lines 40 through 48, begin a new paragraph and insert:

"SECTION 61. IC 20-24-7-2, AS AMENDED BY P.L.2-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) Not later than the

date established by the department for determining ADM, and after May 31 each year, the organizer shall submit to the department the following information on a form prescribed by the department:

- (1) The number of students enrolled in the charter school.
- (2) The name and address of each student.
- (3) The name of the school corporation in which the student has legal settlement.
- (4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.
- (5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) This subsection applies after December 31 of the calendar year in which a charter school begins its initial operation. The department shall distribute to the organizer the state tuition support distribution. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

(c) The department shall provide to the department of local government finance the following information:

- (1) For each county, the number of students who:
  - (A) have legal settlement in the county; and
  - (B) attend a charter school.
- (2) The school corporation in which each student described in subdivision (1) has legal settlement.
- (3) The charter school that a student described in subdivision (1) attends and the county in which the charter school is located.
- (4) The amount of the tuition support levy determined under IC 20-45-3-11 for each school corporation described in subdivision (2).
- (5) The amount determined under STEP TWO of the following formula:

~~STEP ONE: Determine the product of:~~

- (A) the target revenue per ADM (as defined in IC 20-43-1-26) determined for a charter school described in subdivision (3); multiplied by
- (B) thirty-five hundredths (0.35);

~~STEP TWO: Determine the product of:~~

- (A) the STEP ONE amount; multiplied by
- (B) the current ADM of a charter school described in subdivision (3);

(6) The amount determined under STEP THREE of the following formula:

~~STEP ONE: Determine the number of students described in subdivision (1) who:~~

- (A) attend the same charter school; and
- (B) have legal settlement in the same school corporation located in the county.

~~STEP TWO: Determine the subdivision (5) STEP ONE amount for a charter school described in STEP ONE (A):~~

~~STEP THREE: Determine the product of:~~

- (A) the STEP ONE amount; multiplied by
- (B) the STEP TWO amount."

Page 110, delete lines 1 through 8.

Page 110, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 63. IC 20-33-8.5-5, AS AMENDED BY P.L.2-2006, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the **target transition to foundation** revenue per **adjusted** ADM (as defined in IC 20-43-1-26) for each student referred under the agreement."

Page 111, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 67. IC 20-43-1-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. ~~"Adjusted~~ "Tuition support levy" refers to the amount determined under ~~IC 20-43-3-5~~. **IC 20-45-3-11.**

SECTION 68. IC 20-43-1-26, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 26. ~~"Target~~ **"Transition to foundation** revenue per **adjusted** ADM" refers to the amount determined under IC 20-43-5-9.

SECTION 69. IC 20-43-1-27, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 27. ~~"Total target revenue"~~ **"Regular program tuition support"** refers to the amount determined under IC 20-43-6-3."

Page 112, line 18, strike "maximum permissible".

Page 112, line 19, after "year" delete "," and insert ".".

Page 112, line 19, strike "made in determining the school corporation's adjusted tuition".

Page 112, strike line 20.

Page 112, between lines 22 and 23, begin a new line double block indented and insert:

**"(D) In 2009 and thereafter, the amount by which the school corporation's allocation amount for the school corporation's general fund is adjusted under IC 6-3.5-1.1-1(d)."**

Page 114, delete lines 6 through 21, begin a new paragraph and insert:

"SECTION 73. IC 20-43-5-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A school corporation's **target transition to foundation** revenue per **adjusted** ADM for a calendar year is the amount determined under section 9 of this chapter."

Page 115, line 42, reset in roman "The data to be used in making the calculations under STEP ONE".

Page 115, line 43, reset in roman "must be the data".

Page 115, line 43, after "census." insert **"collected in September by the department."**

Page 117, line 11, strike "target" and insert **"transition to foundation"**.

Page 117, line 12, after "per" insert **"adjusted"**.

Page 117, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 82. IC 20-43-6-2, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. The following amounts must be determined under this chapter to determine a school corporation's basic tuition support:

(1) The school corporation's ~~total target revenue~~ **regular program tuition support** under section 3 of this chapter.

(2) The school corporation's local contribution under section 4 of this chapter."

Page 117, line 17, strike "total".

Page 117, line 18, strike "target revenue" and insert "**regular program tuition support**".

Page 117, line 20, strike "target" and insert "**transition to foundation**".

Page 117, line 20, after "per" insert "**adjusted**".

Page 117, line 22, strike "total target revenue" and insert "**regular program tuition support**".

Page 117, line 26, strike "total target revenue" and insert "**regular program tuition support**".

Page 117, line 32, delete "The" and insert "**For calendar year 2008**, the".

Page 117, between lines 34 and 35, begin a new line block indented and insert:

"(4) **For 2009 and thereafter, the part of the school corporation's adjustment to the previous year's revenue for the year that equals the original amount of the adjustment to the previous year's revenue by the school corporation to cover the costs of opening a new school facility or reopening an existing facility during the preceding year.**"

Page 117, line 35, delete "total target" and insert "**regular program tuition support**".

Page 117, line 36, delete "revenue".

Page 117, line 39, delete "total target revenue" and insert "**regular program tuition support**".

Page 118, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 85. IC 20-43-6-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. A school corporation's basic tuition support for a calendar year is the difference between:

(1) the school corporation's ~~total target revenue~~ **regular program tuition support** for the calendar year; minus

(2) the school corporation's local contribution for the calendar year.

SECTION 86. IC 20-43-6-6, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. If the basic tuition support determined for a school corporation under section 5 of this chapter is negative, the

(1) school corporation is not entitled to any state tuition support. ~~and~~

(2) school corporation's maximum permissible tuition support levy shall be reduced by the amount of the negative result."

Page 120, line 19, strike "total target revenue" and insert "**regular program tuition support**".

Page 120, between lines 45 and 46, begin a new paragraph and insert:

"SECTION 91. IC 20-45-1-11, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. "Excessive tax levy" means a school corporation's general fund property tax levy for a calendar year that exceeds the school corporation's ~~maximum permissible~~ **tuition support** levy."

Page 120, after line 48, begin a new paragraph and insert:

"SECTION 93. IC 20-45-3-2, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. Except as otherwise provided in this chapter, a school corporation may not impose a tuition support levy in a calendar year that exceeds the ~~maximum permissible~~ **tuition support** levy determined for the school corporation for a calendar year under section 11 of this chapter."

Page 121, line 13, strike "target" and insert "**transition to foundation**".

Page 121, line 13, after "per" insert "**adjusted**".

Page 121, line 47, delete "adjusted as provided" and insert "**equal to the amount determined**".

Page 122, between lines 45 and 46, begin a new paragraph and insert:

"SECTION 96. IC 20-49-1-3, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. ~~"Target~~ **"Transition to foundation** revenue per **adjusted** ADM" has the meaning set forth in IC 20-43-1-26.

SECTION 97. IC 20-49-7-10, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. The amount of an advance for operational costs may not exceed the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the product of:

(A) the charter school's enrollment reported under IC 20-24-7-2(a); multiplied by

(B) the charter school's **target transition to foundation** revenue per **adjusted** ADM.

STEP TWO: Determine the quotient of:

(A) the STEP ONE amount; divided by

(B) two (2).

STEP THREE: Determine the product of:

(A) the STEP TWO amount; multiplied by

(B) one and fifteen-hundredths (1.15).

SECTION 98. IC 20-49-7-11, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. The amount of an advance for operational costs may not exceed the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the quotient of:

(A) the charter school's **target transition to foundation** revenue per **adjusted** ADM; divided by

(B) two (2).

STEP TWO: Determine the difference between:

(A) the charter school's current ADM; minus

(B) the charter school's ADM of the previous year.

STEP THREE: Determine the product of:

- (A) the STEP ONE amount; multiplied by
- (B) the STEP TWO amount.

STEP FOUR: Determine the product of:

- (A) the STEP THREE amount; multiplied by
- (B) one and fifteen-hundredths (1.15).".

Page 123, line 2, after "IC 20-43-1-15;" insert "IC 20-43-3-5; IC 20-43-5-1; IC 20-43-5-2;".

Page 123, line 2, after "IC 20-43-5-8;" insert "IC 20-45-1-3; IC 20-45-1-4; IC 20-45-1-5; IC 20-45-1-8; IC 20-45-1-9; IC 20-45-1-10;".

Page 123, line 2, after "IC 20-45-1-14" delete "." and insert "; IC 20-45-1-15; IC 20-45-1-18; IC 20-45-1-19; IC 20-45-1-20.".

Page 132, line 2, delete "complex" and insert "**complex and the White River State Park for:**

- (1) employees of the state and the facilities located in the area of the state capitol complex and White River State Park; and**
- (2) visitors to or persons having business at facilities located in the area of the state capitol complex and White River State Park."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 6, 2007.)

MEEKS

Motion prevailed.

#### SENATE MOTION (Amendment 1001-17)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 115, line 45, after "for" insert ":

(1)".

Page 115, line 47, delete "." and insert "; and

- (2) a charter school located in Marion County, is a weighted average of the complexity indexes of the school corporations where the students counted in the current ADM of the charter school have legal settlement as determined under STEP THREE of the following formula:**

**STEP ONE: Determine the number of students counted in the current ADM of the charter school that have legal settlement in a particular school corporation.**

**STEP TWO: Multiply the complexity index of each school corporation identified in STEP ONE by the STEP ONE amount for the school corporation.**

**STEP THREE: Divide the sum of the STEP TWO amounts by the current ADM of the charter school."**

Page 116, line 21, after "school" insert "**located outside Marion County**".

Page 116, between lines 25 and 26, begin a new line double block indented and insert:

**"(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP THREE amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have**

**legal settlement as determined under item (iv) of the following formula:**

**(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.**

**(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.**

**(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.**

**(iv) Determine the sum of the item (iii) amounts for the charter school."**

Page 116, line 26, strike "(B)" and insert "(C)".

Page 116, line 27, after "(A)" insert "**or (B)**".

(Reference is to EHB 1001 as printed April 6, 2007.)

KENLEY

Motion prevailed

#### SENATE MOTION (Amendment 1001-22)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 105, between lines 3 and 4, begin a new paragraph and insert:

**"SECTION 45. IC 6-3.1-30.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:**

#### **Chapter 30.5. School Scholarship Tax Credit**

**Sec. 1. As used in this chapter, "credit" refers to a credit granted under this chapter.**

**Sec. 2. As used in this chapter, "school scholarship program" refers to a grant program that is certified as a school scholarship program by the department of education under IC 20-50.**

**Sec. 3. As used in this chapter, "pass through entity" means:**

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);**
- (2) a partnership;**
- (3) a limited liability company; or**
- (4) a limited liability partnership.**

**Sec. 4. As used in this chapter, "scholarship granting organization" refers to an organization that:**

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and**
- (2) conducts a school scholarship program.**

**Sec. 5. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:**

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);**
  - (2) IC 6-5.5 (the financial institutions tax); and**
  - (3) IC 27-1-18-2 (the insurance premiums tax);**
- as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this**

chapter.

Sec. 6. As used in this chapter, "taxpayer" means an individual or entity that has any state tax liability.

Sec. 7. A taxpayer that makes a charitable contribution to a scholarship granting organization for use by the scholarship granting organization in a school scholarship program is entitled to a credit against the taxpayer's tax liability in the taxable year in which the taxpayer makes the charitable contribution.

Sec. 8. The amount of a taxpayer's credit is equal to thirty-five percent (35%) of the amount of the charitable contribution made to the scholarship granting organization for a school scholarship program.

Sec. 9. A taxpayer is not entitled to a carryover, carryback, or refund of an unused credit.

Sec. 10. (a) If:

- (1) a pass through entity does not have state tax liability against which the credit may be applied; and
- (2) the pass through entity would be eligible for a credit if the pass through entity were a taxpayer;

a shareholder, partner, or member of the pass through entity is entitled to a credit under this chapter.

(b) The amount of the credit to which a shareholder, partner, or member of a pass through entity is entitled is equal to:

- (1) the credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 11. To apply a credit against the taxpayer's state tax liability, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department the information that the department determines is necessary for the department to determine whether the taxpayer is eligible for the credit.

Sec. 12. A charitable contribution shall be treated as having been given for a school scholarship program if the charitable contribution is given to a scholarship granting organization that conducts a school scholarship program and either the:

- (1) taxpayer designates in a writing delivered to the scholarship granting organization not later than the date the charitable contribution is made that the charitable contribution is to be used only for a school scholarship program; or
- (2) scholarship granting organization provides the taxpayer with written confirmation that the charitable contribution will be dedicated for use in a school scholarship program.

Sec. 13. The total amount of tax credits awarded under this chapter may not exceed five million dollars (\$5,000,000) in any state fiscal year.

Sec. 14. The department shall provide on the Internet web site used by the department the following information:

- (1) The application for the credit provided in this chapter.
- (2) A timeline for receiving the credit provided in this chapter.
- (3) The total amount of credits awarded under this

chapter during the current calendar year.

SECTION 13. IC 20-50 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

## ARTICLE 50. EDUCATIONAL SCHOLARSHIPS

### Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agreement" refers to an agreement between the department of state revenue and an applicant that applies for certification of a school scholarship program.

Sec. 3. "Contribution" refers to a contribution to a scholarship granting organization for a school scholarship program.

Sec. 4. "Educational scholarship" refers to a grant to pay the tuition and fees that would otherwise be charged to:

- (1) an eligible student; or
- (2) a parent of an eligible student.

Sec. 5. "Eligible student" refers to an individual who:

- (1) has legal settlement in Indiana;
- (2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7; and
- (3) either:

- (A) qualifies for the federal free or reduced price lunch program; or
- (B) received a scholarship under this article in the immediately preceding school year or the immediately preceding term of the current school year and qualified under clause (A) in the first year that the individual received a scholarship under this article.

Sec. 6. "Federal free or reduced price lunch program" refers to the national free or reduced price lunch program established under 42 U.S.C. 1751 et seq.

Sec. 7. "School scholarship" refers to an educational scholarship awarded by a scholarship granting organization.

Sec. 8. "Participating school" refers to a public or nonpublic school:

- (1) that an eligible student is required to pay tuition to attend; and
- (2) that voluntarily agrees to enroll an eligible student.

The term does not include a public school in a school corporation where the eligible student has legal settlement under IC 20-26-11.

Sec. 9. "Scholarship granting organization" refers to an organization that:

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (2) is organized at least in part to grant educational scholarships.

Sec. 10. "Tuition and fees" means tuition, fees, and other costs that:

- (1) an eligible student; or
- (2) a parent of an eligible student;

is required to pay to enroll the eligible student in an elementary school program or high school program of a participating school. The term includes any payment for textbooks, transportation, and uniforms if the payments are typical for all

other students attending the participating school.

#### Chapter 2. Exchange of Information; Rules

Sec. 1. The department of state revenue shall maintain a publically available list of the school scholarship programs that are certified by the department of state revenue. The list must contain names, addresses, and any other information that the department of state revenue determines is necessary for the public to determine which scholarship granting organizations conduct school scholarship programs. A current list must be posted on any Internet web site used by the department of state revenue to provide information to the public about educational matters.

#### Chapter 3. Educational Scholarship Organizations; Certification; Administration of Contributions

Sec. 1. As used in this chapter, "scholarship" refers to a school scholarship.

Sec. 2. A scholarship granting organization may apply to the department of state revenue for certification of an educational scholarship program as a school scholarship program.

Sec. 3. An educational scholarship program qualifies for certification as a school scholarship program if the applicant for certification:

- (1) is a scholarship granting organization;
- (2) applies to the department of state revenue on the form and in the manner prescribed by the department of state revenue;
- (3) enters into an agreement with the department of state revenue to comply with this article; and
- (4) demonstrates the applicant's financial viability to the department of state revenue, if the applicant will receive at least fifty thousand dollars (\$50,000) in contributions in a school year, by filing with the department of state revenue before the beginning of the school year financial information that demonstrates the financial viability of the scholarship granting organization.

Sec. 4. The department of state revenue shall certify all qualifying applicants for certification as scholarship granting organizations.

Sec. 5. An agreement must require a scholarship granting organization to do the following:

- (1) Provide a department of state revenue approved receipt to taxpayers for contributions made to the scholarship granting organization that will be used in a scholarship program. The department of state revenue shall prescribe a standardized form for a receipt to be issued by a scholarship granting organization to a taxpayer that indicates the value of a contribution and the amount of the contribution that is being designated for use in a scholarship program.
- (2) Distribute at least ninety percent (90%) of the total amount of contributions as scholarships to eligible students.
- (3) Distribute one hundred percent (100%) of any income earned on contributions as scholarships to eligible students.
- (4) Conduct criminal background checks on all the scholarship granting organization's employees and board members and exclude from employment or governance

any individual who might reasonably pose a risk to the appropriate use of contributed funds.

(5) Maintain with the department of state revenue proof of the scholarship granting organization's continuing financial viability in the form required in section 3(4) of this chapter for each school year in which the scholarship granting organization will receive at least fifty thousand dollars (\$50,000) in contributions.

(6) Make the reports required by this chapter.

Sec. 6. An agreement must prohibit a scholarship granting organization from distributing scholarships for use by an eligible student to:

- (1) enroll in a school that has:
  - (A) paid staff or board members; or
  - (B) relatives of paid staff or board members;
 in common with the scholarship granting support organization;
- (2) enroll in a school that the scholarship granting organization knows does not qualify as a participating school; or
- (3) pay tuition and fees for a public school where the eligible student is entitled to enroll without the payment of tuition.

Sec. 7. (a) A scholarship granting organization must publicly report to the department of state revenue by August 1 of each year the following information regarding the organization's scholarships in the previous school year:

- (1) The name and address of the scholarship granting organization.
- (2) The total number and total dollar amount of contributions received during the previous school year.
- (3) The:
  - (A) total number and total dollar amount of scholarships awarded during the previous school year; and
  - (B) total number and total dollar amount of scholarships awarded during the previous school year to students qualifying for the federal free and reduced price lunch program.

(b) The report must be certified under penalties of perjury by the chief executive officer of the scholarship granting organization.

Sec. 8. The department of state revenue shall prescribe a standardized form for scholarship granting organizations to report information required under this chapter.

Sec. 9. The department of state revenue may, in a proceeding under IC 4-21.5, suspend or terminate the certification of an organization as a scholarship granting organization if the department of state revenue establishes that the scholarship granting organization has intentionally and substantially failed to comply with the requirements of this article or an agreement entered into under this article.

Sec. 10. If the department of state revenue suspends or terminates the certification of an organization as a scholarship granting organization, the department of state revenue shall notify affected scholarship students and their parents of the decision as quickly as possible. A scholarship student affected by a suspension or termination of a scholarship granting

organization's certification shall remain an eligible student under this article until the end of the school year after the school year in which the scholarship granting organization's certification is suspended or terminated, regardless of whether the scholarship student qualifies for the federal free or reduced price lunch program.

**Sec. 11. The department of state revenue may conduct either a financial review or an audit of a scholarship granting organization if the department has evidence of fraud."**

Page 132, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 117. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) IC 6-3.1-30.5, as added by this act, applies to contributions made in taxable years beginning after December 31, 2006.

(b) The division of family resources, after consultation with the department of state revenue, may adopt temporary rules in the manner provided for the adoption of emergency rules to implement IC 20-50, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date another temporary rule is adopted under this SECTION that supersedes or repeals the previously adopted temporary rule.

(2) The date that a permanent rule adopted under IC 4-22-2 supersedes or repeals a temporary rule adopted under this SECTION.

(3) The date specified in the temporary rule.

(4) June 30, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 6, 2007.)

STEELE

Motion prevailed

SENATE MOTION  
(Amendment 1001-8)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 103, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 42. IC 5-13-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. Public funds may not be used to conduct embryonic stem cell research."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 6, 2007.)

DROZDA

Motion prevailed

SENATE MOTION  
(Amendment 1001-26)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 102, after line 41, begin a new paragraph and insert:

SECTION 41. IC 4-33-12-6, AS AMENDED BY P.L.4-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]:

Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts

determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(2) Sixteen percent (16%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and  
(B) contains a historic hotel.

The town council shall appropriate a part of the money received by

the town under this subdivision to the budget of the town's tourism commission.

(3) Nine percent (9%) of the admissions tax collected during the quarter shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(5) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(A) Job creation and retention.

(B) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(C) Housing.

(D) Workforce training.

(E) Health care.

(F) Local planning.

(G) Land use.

(H) Assistance to regional economic development groups.

(I) Other regional development issues as determined by the Indiana economic development corporation.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), ~~nine-cent (\$0.09)~~ **(\$0.08)** of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), ~~one-cent (\$0.01)~~ **two cents (\$0.02)** of the admissions tax collected by the licensed owner for each person:



(A) embarking on a gambling excursion during the quarter; or  
 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;  
 shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or  
 (B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;  
 shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or  
 (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;  
 shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b)(1) through (b)(2), (c)(1) through (c)(2), or (d)(1) through (d)(2):  
 (1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceed a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section; to the property tax replacement fund instead of to the entity.

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 6, 2007.)

MRVAN

Motion prevailed.

SENATE MOTION  
(Amendment 1001-11)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 9, after line 11, begin a new paragraph and insert: "**Personal Services 76,294 81,644**".

Page 9, line 12, delete "4,600,000 4,600,000" and insert "**10,523,706 11,518,336**".

(Reference is to EHB 1001 as printed April 6, 2007.)

LANANE

Motion failed.

SENATE MOTION  
(Amendment 1001-33)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 61, delete lines 21 through 26, begin a new line and insert: "**The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the nonfederal share of the Medicaid aged and disabled waiver. The intragovernmental transfers for use in the Medicaid aged and disabled waiver shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2008, and the intragovernmental transfers shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2009.**".

(Reference is to EHB 1001 as printed April 6, 2007.)

SIMPSON

Motion failed.

SENATE MOTION  
(Amendment 1001-24)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 61, delete lines 21 through 33, begin a new paragraph and insert:

**The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the non federal share of the Medicaid aged and disabled waiver. The intragovernmental transfers for use in the Medicaid aged and disabled waiver shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2008, and the intragovernmental transfers shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2009.**

**The intragovernmental transfers may include up to an additional three million dollars (\$3,000,000) in SFY 2008 and up to an additional five million dollars (\$5,000,000) in SFY 2009 not to exceed a total of eight million dollars (\$8,000,000) for the biennium. The additional transfers may only be used as**

**matching funds for the Medicaid aged and disabled waiver services, including case management services provided by the area agencies on aging, that are consistent with IC 12-10-10. The need for these additional funds must be verified by the area agencies on aging and the transfer of these dollars shall not limit or reduce services to individuals who remain eligible for C.H.O.I.C.E. In-Home Services.**

**The Indiana family and social services administration shall identify the actions that are being taken by the agency to reduce the utilization of Medicaid funded nursing home care, the state and federal dollars saved by these actions, and how many saved dollars are being used to provide home and community based services through a Medicaid waiver under the provisions of IC 12-10-11.5. The agency shall report on these actions to the state budget committee and the general assembly no later than December 31<sup>st</sup> of each year.**

Page 62, line 9, after "years" insert "**as stipulated in IC 12-10-10**".

(Reference is to EHB 1001 as printed April 6, 2007.)

R. YOUNG

Upon request of Senator R. Young the President ordered the roll of the Senate to be called. Roll Call 370: yeas 17, nays 30.

Motion failed.

SENATE MOTION  
(Amendment 1001-14)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 62, between lines 43 and 44, begin a new line and insert: "**CENTERS FOR INDEPENDENT LIVING**

**Total Operating Expense 3,000,000 3,000,000**".

(Reference is to EHB 1001 as printed April 6, 2007.)

SKINNER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 371: yeas 17, nays 30.

Motion failed.

SENATE MOTION  
(Amendment 1001-31)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 82, line 5, delete "4,859,250,000" and insert "**4,890,900,000**".

Page 82, line 5, delete "6,030,000,000" and insert "**6,130,600,000**".

Page 111, line 26, delete "five billion nine hundred ten million seven hundred thousand dollars (\$5,910,700,000)" and insert "**five billion nine hundred seventy-four million dollars (\$5,974,000,000)**".

Page 111, line 28, delete "six billion one hundred forty-nine million three hundred thousand dollars" and insert "**six billion two hundred eighty-seven million two hundred thousand dollars (\$6,287,200,000) in 2009.**".

Page 111, delete line 29.

Page 114, line 37, after "free" insert "**or reduced price**".

(Reference is to EHB 1001 as printed April 6, 2007.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 372: yeas 17, nays 30.

Motion failed.

SENATE MOTION  
(Amendment 1001-13)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 71, line 47, delete "1,788,716" and insert "**2,500,000**".

Page 71, line 47, delete "1,867,636" and insert "**2,500,000**".

(Reference is to EHB 1001 as printed April 6, 2007.)

SKINNER

Motion failed.

SENATE MOTION  
(Amendment 1001-20)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 116, delete lines 42 through 48, begin a new paragraph and insert:

"SECTION 77. IC 20-43-5-7, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. A school corporation's transition to foundation revenue for a calendar year is equal to **the greater of the following:**

**(1) The sum of:**

**(A) the product of:**

~~(1)~~ **(i) the school corporation's transition to foundation amount for the calendar year; multiplied by**

~~(2)~~ **(ii) the school corporation's current ADM, if the current ADM for the school corporation is less than one hundred (100), or current adjusted ADM, if the current ADM for the school corporation is at least one hundred (100); and**

**(B) either:**

**(i) one hundred dollars (\$100) multiplied by the school corporation's current adjusted ADM, if the amount under this subdivision is less than the school corporation's previous year revenue and the school corporation's result under IC 20-43-5-6 STEP ONE is greater than zero (0); or**

**(ii) zero (0), if item (i) does not apply.**

**(2) The school corporation's previous year revenue."**

Page 117, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 6, 2007.)

DEIG

Upon request of Senator Deig the President ordered the roll of the Senate to be called. Roll Call 373: yeas 17, nays 30.

Motion failed.

SENATE MOTION  
(Amendment 1001-36)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 83, delete lines 18 through 49, begin a new line and insert:

**"FULL DAY KINDERGARTEN**

**Total Operating Expense 57,500,000 103,500,000**

**The above appropriations shall be expended to implement full day kindergarten programs on the following schedule:**

**(1) Beginning with the 2007-2008 school year, each elementary school building that is in the top one-third (1/3) of all elementary school buildings in Indiana in the ratio of students who are eligible to receive a free or reduced price lunch under the National School Lunch Program may offer a full day program to all kindergarten students.**

**(2) Beginning with the 2008-2009 school year, each elementary school building that is in the top two-thirds (2/3) of all elementary school buildings in Indiana in the ratio of students who are eligible to receive a free or reduced price lunch under the National School Lunch Program may offer a full day program to all kindergarten students.**

**(3) Beginning with the 2009-2010 school year, each elementary school building shall offer a full day program to all kindergarten students.**

**The above appropriations may not be used to provide full day kindergarten in charter schools.**

**To provide full day kindergarten programs, a school corporation that determines there is inadequate space to offer a program in the school corporation's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation.**

**A full day kindergarten program offered by a school corporation must meet the academic standards and other requirements of IC 20.**

**For purposes of the above appropriation, "elementary school" has the meaning set forth in IC 20-18-2-4, and "public school" has the meaning set forth in IC 20-18-2-15."**

Page 84, delete lines 1 through 25.

(Reference is to EHB 1001 as printed April 6, 2007.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 374: yeas 17, nays 30.

Motion failed.

SENATE MOTION  
(Amendment 1001-16)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 62, line 39, delete "two" and insert "**three**".

Page 62, line 40, delete "(\$233,000)" and insert "**(\$333,000)**".

(Reference is to EHB 1001 as printed April 6, 2007.)

MRVAN

Upon request of Senator Meeks the President ordered the roll of

the Senate to be called. Roll Call 375: yeas 46, nays 0.

Motion prevailed.

*Senator Waterman, who had been excused, was present.*

SENATE MOTION  
(Amendment 1001-38)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 83, between lines 43 and 44, begin a new line and insert:

**"In awarding grants from the above appropriations, the department of education may not refuse to make a grant to a school corporation or reduce the award that would otherwise be made to the school corporation because the school corporation used federal grants or loans, including Title I grants, to fund part or all of the school corporation's full day kindergarten program in a school year before the school year in which the grant will be given or because the school corporation intends to use federal grants or loans, including Title I grants, to fund part of the school corporation's full day kindergarten program in a school year in which the grant will be given."**

(Reference is to EHB 1001 as printed April 6, 2007.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 376: yeas 48, nays 0.

Motion prevailed.

SENATE MOTION  
(Amendment 1001-15)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 94, between lines 36 and 37, begin a new line and insert:

**"Terre Haute International Airport Terminal 1,250,000".**

(Reference is to EHB 1001 as printed April 6, 2007.)

SKINNER

Motion failed.

SENATE MOTION  
(Amendment 1001-19)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 98, after line 11, begin a new paragraph and insert:

**Falls of the Ohio Foundation 1,000,000**

(Reference is to EHB 1001 as printed April 6, 2007.)

LEWIS

Motion failed.

SENATE MOTION  
(Amendment 1001-37)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 48, line 6, delete "500,000 500,000" and insert

**"2,500,000 2,500,000".**

(Reference is to EHB 1001 as printed April 6, 2007.)

R. YOUNG

Upon request of Senator R. Young the President ordered the roll of the Senate to be called. Roll Call 377: yeas 17, nays 31.

Motion failed.

SENATE MOTION  
(Amendment 1001-32)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 57, between lines 9 and 10, begin a new line and insert:

**"After June 30, 2008, no allotment of the funds may be made to a private vendor unless approved by the Indiana General Assembly."**

(Reference is to EHB 1001 as printed April 6, 2007.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 378: yeas 17, nays 31.

Motion failed.

SENATE MOTION  
(Amendment 1001-30)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 109, delete lines 4 through 8.

Page 110, delete lines 9 through 31, begin a new paragraph and insert:

**"SECTION 62. IC 20-24-8-2, AS ADDED BY P.L.169-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 2. (a) A charter school may not do the following:**

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide solely home based instruction.

**(6) Provide more than fifty percent (50%) of instruction to students through virtual distance learning, online technologies, or computer based instruction. For the purposes of this subdivision, instruction does not include the administration of formal tests or assessments.**

**(b) Subject to subsection (a)(6), a charter school is not prohibited from delivering instructional services:**

(1) through the Internet or another online arrangement; or

(2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

**(c) A charter granted to an organization before July 1, 2007, that provides for the delivery by the organization of more than fifty percent (50%) of instruction to students through virtual distance learning, online technologies, or computer based instruction is terminated July 1, 2007, and may not be reinstated after June 30, 2007. The charters to which this subsection applies include the following:**

**(1) Indiana Connections Academy, Muncie.**

**(2) Indiana Virtual Charter School, Indianapolis."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 6, 2007.)

SKINNER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 379: yeas 16, nays 31.

Motion failed. The bill was ordered engrossed.

#### Engrossed House Bill 1478

Senator Kenley called up Engrossed House Bill 1478 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1478-13)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 6, line 26, delete "other".

Page 8, line 14, delete "other".

Page 9, line 7, delete "other".

Page 42, line 29, after "subdivision" insert **"and registered voters residing within the political subdivision"**.

Page 42, line 31, after "subdivision" insert **"and registered voters residing within the political subdivision"**.

Page 45, between lines 7 and 8, begin a new line block indented and insert:

**"(3) Beginning in 2008, money in the fund shall be transferred to the state general fund in an amount, as calculated by the budget agency, that is equal to the revenue loss (if any) resulting from a statutory change providing that the riverboat wagering tax under IC 4-33-13 is not considered a tax based on or measured by income and is not required to be added back to federal taxable income to determine Indiana adjusted gross income.**

**(4) Beginning in 2008, money in the fund shall be transferred to the state general fund in an amount, as calculated by the budget agency, that is equal to the amount (if any) by which riverboat wagering tax collected under IC 4-33-13 for a state fiscal year is less than the riverboat wagering tax collected under IC 4-33-13 for the state fiscal year ending in 2007."**

Page 45, between lines 41 and 42, begin a new line block indented and insert:

**"A member nominated and appointed under this**

**subdivision must be an elected official of a political subdivision."**

Page 46, delete lines 9 through 11.

Page 46, line 22, after "a" insert **"county containing a"**.

Page 46, line 39, after "If a" insert **"county (or two (2) or more"**.

Page 46, line 39, delete "subdivision" and insert **"subdivisions acting jointly)"**.

Page 46, line 41, delete "the political subdivisions in the".

Page 46, line 42, delete "county".

Page 46, line 42, after "plan" delete "." and insert **"for political subdivisions in the county."**

Page 47, line 15, after "if" delete ":".

Page 47, delete lines 16 through 18.

Page 47, line 19, delete "(2)".

Page 47, run in lines 15 through 19.

Page 47, line 31, delete "decreases the credit percentages" and insert **"provides relief described in subsection (b)"**.

Page 47, line 32, delete "under IC 6-1.1-20.6-7".

Page 48, line 24, delete "residential" and insert **"homestead (as defined in IC 6-1.1-20.9-1)"**.

Page 48, line 26, delete "residential" and insert **"homestead"**.

Page 48, line 30, delete "residential" and insert **"homestead"**.

Page 48, line 33, delete "residential" and insert **"homestead"**.

Page 48, line 36, delete "residential" and insert **"homestead"**.

Page 48, line 41, delete "residential" and insert **"homestead"**.

Page 65, line 35, delete "appointed or".

Page 69, line 11, after "IC 6-1.1-17." insert **"If an ordinance described in subdivision (1) or (2) has been adopted in a county and has not been rescinded, the county board of tax and capital projects review may not review tax rates, tax levies, and budgets under IC 6-1.1-17-3, IC 6-1.1-17-5, IC 6-1.1-17-5.6, IC 6-1.1-17-6, IC 6-1.1-17-7, IC 6-1.1-17-9, IC 6-1.1-17-10, IC 6-1.1-17-11, IC 6-1.1-17-12, IC 6-1.1-17-14, IC 6-1.1-17-15, IC 12-19-7, IC 12-19-7.5, IC 20-45, IC 20-46, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11, IC 36-9-3, IC 36-9-4, or IC 36-9-13."**

Page 69, between lines 29 and 30, begin a new paragraph and insert:

**"Sec. 0.5. This chapter applies only to a capital project that meets both of the following conditions:**

**(1) The capital project is a controlled project (as defined in IC 6-1.1-20-1.1), except as provided in subdivision (2).**

**(2) Notwithstanding IC 6-1.1-20-1.1(2), the capital project will cost the political subdivision more than seven million dollars (\$7,000,000)."**

Page 71, line 32, delete "This section applies only to a capital project that is".

Page 71, delete line 33.

Page 71, line 34, delete "(b)".

Page 71, run in lines 32 through 34.

Page 71, line 35, delete "section:" and insert **"chapter:"**.

Page 72, line 12, delete "(c)" and insert **"(b)"**.

Page 72, line 16, delete "(d)" and insert **"(c)"**.

Page 74, line 9, delete "section 10(c)" and insert **"section 10(b)"**.

Page 74, line 28, delete "section 10(b)(2)" and insert **"section 10(a)(2)"**.

Page 153, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 110. IC 12-19-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) ~~A county office~~ **The department of child services** may receive and administer a gift, devise, or bequest of personal property, including the income from real property, that is:

- (1) to or for the benefit of a home or an institution in which dependent or neglected children are cared for under the supervision of the ~~county office~~; **department of child services**; or
- (2) for the benefit of children who are committed to the care or supervision of the ~~county office~~; **department of child services**.

(b) ~~A county office~~ **The department of child services** may invest or reinvest money received under this section in the same types of securities in which life insurance companies are authorized by law to invest the money of the life insurance companies.

(c) The following shall be kept in ~~a special~~ **the family and children trust clearance** fund and may not be commingled with any other fund or with money received from taxation:

- (1) All money received by the ~~county office~~ **department of child services** under this section.
- (2) All money, proceeds, or income realized from real property or other investments.

(d) Subject to the ~~approval of the judge or the court of the county having probate jurisdiction~~, **conditions imposed on the gift, devise, or bequest by the donor**, money described in subsection (c)(1) or (c)(2) may be expended by the ~~county office~~ **department of child services** in any manner consistent with the purposes of the fund's creation and with the intention of the donor.

SECTION 111. IC 12-19-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. ~~(a) This section does not apply to money received to reimburse the county family and children's fund for expenditures made from the appropriations of the county office.~~

(a) **The family and children trust clearance fund is established. The department of child services shall administer the fund as a trust fund. Money in the fund may be invested as money in other trust funds is invested. The balance in the fund at the end of a state fiscal year does not revert to the state general fund.**

(b) ~~A county office~~ **The department of child services** may receive and administer money available to or for the benefit of a person receiving payments or services from the county office. The following applies to all money received under this section:

- (1) The money shall be kept in ~~a special fund known as the~~ **county family and children trust clearance fund** and may not be commingled with any other fund or with money received from taxation.
- (2) The money may be expended by the ~~county office~~ **department of child services or the division** in any manner consistent with the following:

- (A) The purpose of the ~~county~~ **family and children trust clearance fund** or with the intention of the donor of the money.
- (B) Indiana law."

Page 156, line 35, strike "paying expenses and".

Page 156, strike line 36.

Page 156, line 37, strike "approved." and insert **"making a transfer to the state required under section 35 of this chapter."**

Page 160, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 118. IC 12-19-7-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 35. **Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state family and children's fund established by IC 31-25-2-20.**"

Page 165, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 127. IC 16-33-4-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17.5. (a) **The department of child services shall pay**, in the case of a child who is:

- (1) admitted to the home from another county; and
- (2) adjudicated to be a delinquent child or child in need of services by the juvenile court in the county where the home is located;

~~the juvenile court may order the county office of family and children of the child's county of residence~~ before the child's admission to the home, ~~to reimburse~~ the cost of services ordered by the juvenile court, including related transportation costs, and any cost incurred ~~by the county~~ to transport or detain the child before the order is issued.

(b) ~~A county office of family and children ordered to reimburse costs under this section~~ **The department of child services** shall pay the amount ordered from the ~~county state~~ family and children's fund **under IC 31-25-2-20.**

(c) The county office of family and children may require the parent or guardian of the child, other than a parent, guardian, or custodian associated with the home, to reimburse the ~~county family and children's fund~~ **department of child services** for an amount paid under this section.

(d) A child who is admitted to the home does not become a resident of the county where the home is located.

(e) When an unemancipated child is released from the home, the county office of family and children for the child's county of residence before entering the home is responsible for transporting the child to the parent or guardian of the child. If a parent or guardian does not exist for an unemancipated child released from the home, the county office of family and children of the child's county of residence before entering the home shall obtain custody of the child.

SECTION 128. IC 20-26-11-12, AS AMENDED BY P.L.145-2006, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school,

or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the ~~county office of family and children for the county placing the child~~ **department of child services** shall pay from the ~~county state~~ family and children's fund **under IC 31-25-2-20** to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the ~~county office;~~ **department of child services**, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

- (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided:
  - (A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or
  - (B) educational programs and services by a nonpublic school;

the ~~county office of family and children for the county placing the child~~ **department of child services** shall pay from the ~~county state~~ family and children's fund **under IC 31-25-2-20** in an amount and in the manner specified in a written agreement between the ~~county office~~ **department of child services** and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the department of child services. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 129. IC 20-26-11-13, AS AMENDED BY P.L.2-2006, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

- (1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary

school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, vocational training, or career education.

(2) "Special equipment" means equipment that during a school year:

- (A) is used only when a child with disabilities is attending school;
- (B) is not used to transport a child to or from a place where the child is attending school;
- (C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and
- (D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

- (A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.
- (B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

- (A) State tuition support distributions.
- (B) Property tax levies.
- (C) Excise tax revenue (as defined in IC 20-43-1-12) received for deposit in the calendar year in which the school year begins.
- (D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

- (A) zero (0); or
- (B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana under a court order, the institution or facility shall charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the

institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

- (1) capital outlay;
- (2) debt service;
- (3) costs of transportation;
- (4) salaries of board members;
- (5) contracted service for legal expenses; and
- (6) any expenditure that is made out of the general fund from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

- (1) the cost of the special equipment; divided by
- (2) the product of:
  - (A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by
  - (B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

- (1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by
- (2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

- (1) the total amount of revenues received; by
- (2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

- (1) be entered into for a period of not more than five (5) years with an option to renew;
- (2) specify a maximum number of students to be transferred; and
- (3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) If the school corporation can meet the requirements of IC 20-43-9-8, it may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

- (1) be for one (1) year or longer; and
- (2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 20-45-6-8, the school corporation may appeal for an excessive levy as provided under IC 20-45-6-8.

SECTION 130. IC 20-33-2-29, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 29. (a) It is unlawful for a person operating or responsible for:

- (1) an educational **school**;
- (2) a correctional **school**;
- (3) a charitable **school**; or
- (4) a benevolent institution or training school;

to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the ~~county office of family and children of the county of the child's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost."

Page 177, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 153. IC 31-9-2-120.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2008]: **Sec. 120.4. "State fund" refers to the state family and children's fund established by IC 31-25-2-20.**



SECTION 154. IC 31-25-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. (a) The state family and children's fund is established. The department shall administer the state fund.

(b) The state fund consists of the following:

- (1) The money transferred to the state fund from county family and children's funds under IC 12-19-7, including amounts paid under IC 31-40-1-2 to the state by a county to reimburse the state for the costs of services ordered by a juvenile court.
- (2) Any fees or costs paid to the state by a child's parent or guardian under a support order or reimbursement order under IC 31-40-1.
- (3) Any contributions to the state fund from individuals, corporations, foundations, or others for the purpose of providing child services.
- (4) Any appropriations made to the state fund by the general assembly. However, this section does not obligate the general assembly to appropriate money to the state fund.
- (5) Any money or grants that are received from the federal government and deposited in the state fund.
- (6) Any other money required by law to be deposited in the state fund.

(c) The department of child services shall pay the following from the state fund:

(1) Expenses and obligations incurred by the department of child services in the payment of child services for children adjudicated to be:

- (A) children in need of services; or
- (B) delinquent children;

and other related services, but not including the payment of TANF.

(2) Medical care, including psychiatric care and institutional psychiatric care, for wards of the department of child services (described in IC 12-15-2-16).

(3) Any other expenditures for services described in section 7 of this chapter.

(4) Any expense of a type that was payable before January 1, 2008, from a county family and children's fund.

(5) Any other expense or obligation that is required to be paid from the state fund by law.

(d) The department may use money in the state fund to settle the obligations of a county and the department of child services for services provided before January 1, 2008.

(e) The treasurer of state shall invest the money in the state fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the state fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 155. IC 31-34-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) Upon receiving the initial plan and each revised or updated plan, the county fiscal body department of child services shall consider the plan. in developing the family and children's fund budget.

(b) The county fiscal body department of child services may appropriate from the family and children's fund any amounts

~~necessary use money from the state family and children's fund under IC 31-25-2-20~~ to provide funding to implement the plan.

SECTION 156. IC 31-40-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. This article applies to a financial burden sustained by a county as the result of costs paid by the county under section 2 of this chapter (as effective December 31, 2007) and the state under section 2 of this chapter (as effective after December 31, 2007), including costs resulting from the institutional placement of a child adjudicated a delinquent child or a child in need of services.

SECTION 157. IC 31-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The department of child services shall pay for the cost of services ordered by the juvenile court for any child or the child's parent, guardian, or custodian, other than secure detention or probation services, if the services are set forth in a dispositional decree entered by the juvenile court.

(a) (b) The county shall pay reimburse the department of child services from the county family and children's fund for the cost of:

- (1) any services ordered by the juvenile court; ~~for any child or the child's parent, guardian, or custodian, other than secure detention; and~~
- (2) returning a child under IC 31-37-23.

(b) (c) The county fiscal body shall provide sufficient money to meet the ~~court's requirements.~~ county's obligation to reimburse the department of child services as required under subsection (b).

SECTION 158. IC 31-40-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A parent or guardian of the estate of a child adjudicated a delinquent child or a child in need of services is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

(b) Each parent of a child alleged to be a child in need of services or alleged to be a delinquent child shall, before a dispositional hearing, furnish the court with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders.

(c) At:

- (1) a detention hearing;
- (2) a hearing that is held after the payment of costs by a county under section 2 of this chapter (or IC 31-6-4-18(b) before its repeal);
- (3) the dispositional hearing; or
- (4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents or the guardian of the child's estate to pay, ~~for,~~ or reimburse the county or the department of child services, as appropriate, for the cost of services provided to the child or the parent or guardian unless the court finds that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

(d) Subject to subsection (e), when the court orders a child's parent or the guardian of the child's estate to make a payment or reimbursement under subsection (c), the court shall order the reimbursement to be paid to:

**(1) the county if the county pays the cost of services or is required to reimburse the department of child services for the cost of services from the county family and children's fund; and**

**(2) if subdivision (1) does not apply, the department of child services.**

**(e) If the county executive adopts a resolution incorporating a written agreement with the department of child services to offset payments against any reimbursement otherwise due from the county to the department of child services, the court may order that payment that is required to be made to the county under subsection (d)(1) be made to the department of child services.**

SECTION 159. IC 31-40-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. **Subject to section 3(e) of this chapter**, the parent or guardian of the estate of any child returned to Indiana under the interstate compact on juveniles under IC 31-37-23 shall reimburse the county for all costs:

**(1) payable, or that under section 2 of this chapter must be reimbursed by the county, from the county family and children's fund; and**

**(2) involved in returning the child;**

that the court orders the parent or guardian to pay under section 3 of this chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child has been adjudicated a delinquent child or a child in need of services.

SECTION 160. IC 31-40-1-5, AS AMENDED BY P.L.145-2006, SECTION 362, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) This section applies whenever the court orders or approves removal of a child from the home of a child's parent or guardian and placement of the child in a child caring institution (as defined in IC 31-9-2-16.7), a foster family home (as defined in IC 31-9-2-46.9), or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the court shall order the support payments to be assigned to the ~~county office~~ **department of child services** for the duration of the placement out of the home of the child's parent or guardian. The court shall notify the court that:

(1) entered the existing support order; or

(2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

(1) Include in the order for removal or placement of the child an assignment to the ~~county office~~, **department of child services**, or confirmation of an assignment that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.

(2) Order support paid to the ~~county office~~ **department of child services** by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of

the placement of the child out of the home of the child's parent or guardian, unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

(B) the county office **or the department of child services** does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for the ~~cost of (in whole or in part) and~~ the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court as trustee for remittance to the ~~county office~~, **department of child services**.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The county office shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse:

**(1) the county office** for all or any portion of the expenses for services provided to or for the benefit of the child that are paid **(or must be reimbursed by the county)** from the county

family and children's fund; and

**(2) if subdivision (1) does not apply, the department of child services;**

during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

**(h) A support order requiring payment to a county office shall be treated after December 31, 2007, as requiring payment to the department of child services.**

SECTION 161. IC 31-40-1-6, AS AMENDED BY P.L.145-2006, SECTION 363, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) The department ~~with the approval of the county fiscal body~~; may contract with any of the following, on terms and conditions with respect to compensation and payment or reimbursement of expenses as the department may determine, for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county that paid the cost of the services ordered by the court, as provided in section 2 of this chapter **(as effective December 31, 2007), and the prosecuting attorney of the county where the child resides for the costs of services ordered by the court, as provided in section 2 of this chapter (as effective after December 31, 2007).**

(2) An attorney for the department on behalf of the county office that paid the cost of services ordered by the court, if the attorney is not an employee of the county office or the department.

(3) An attorney licensed to practice law in Indiana.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and collection of parental obligations ~~to reimburse the county family and children's fund ordered by the court under section 3 or 5(g) of this chapter.~~

SECTION 162. IC 31-40-1-7, AS AMENDED BY P.L.145-2006, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) **Subject to section 3(e) of this chapter**, all amounts remaining after the distributions required by subdivision (1) shall be deposited in:

**(A) the county's family and children's fund (established by IC 12-19-7-3) ~~or if the money is received to pay a county~~**

~~that paid the cost of the services; obligation; or~~

**(B) the state family and children's fund (established by IC 31-25-2-20) if the money is received to pay an obligation of the state fund.**

(b) Any money deposited in a county family and children's fund under this section shall be reported to the department, in the form and manner prescribed by the department, and ~~shall be applied to the child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6; obligations of the county family and children's fund.~~

SECTION 163. IC 31-40-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. If the parent or guardian of the estate:

(1) defaults in reimbursing the county **or state**; or

(2) fails to pay a fee authorized by this article;

the juvenile court may find the parent or guardian in contempt and enter judgment for the amount due."

Page 200, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 187. [EFFECTIVE JANUARY 1, 2008] **(a) On January 1, 2008, the balance of each county's county family and children trust clearance fund becomes part of the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. Any reference to a county or county office in a document relating to money in a county family and children trust fund shall be treated after December 31, 2007, as a reference to the department of child services. Any reference in a document to a county family and children trust fund shall be treated after December 31, 2007, as a reference to the family and children trust clearance fund established by IC 12-19-1-16, as amended by this act. Not later than January 10, 2008, each county auditor shall transfer the balance of the county's county family and children trust clearance fund to the department of child services for deposit in the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. The money transferred under this subsection is subject to the obligations of the county family and children trust clearance fund from which the money is transferred and the restrictions on any gifts or grants that apply to the money being transferred.**

**(b) The department of child services may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement this SECTION. A temporary rule adopted under this subsection takes effect in the same manner as an emergency rule adopted under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1, a temporary rule adopted under this subsection expires on the earliest of the following:**

**(1) The date specified in the temporary rule.**

**(2) The date that another temporary rule adopted under this subsection amends, repeals, or supersedes the previously adopted temporary rule.**

**(3) The date that a permanent rule adopted under IC 4-22-2 amends, repeals, or supersedes the previously adopted temporary rule.**

**(4) January 1, 2009."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1478 as printed April 6, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION  
(Amendment 1478–21)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 62, between lines 3 and 4, begin a new paragraph and insert:

**"(d) Notwithstanding any other provision of this chapter or IC 6-1.1-20.6, a governing body may file with the county auditor a certified statement providing that for purposes of computing and applying a credit under IC 6-1.1-20.6 for a particular calendar year, a taxpayer's property tax liability does not include the liability for a tax levied under this chapter. The department of local government finance shall adopt the form of the certified statement that a governing body may file under this subsection. The department of local government finance shall establish procedures governing the filing of a certified statement under this subsection. If a governing body files a certified statement under this subsection, then for purposes of computing and applying a credit under IC 6-1.1-20.6 for the specified calendar year, a taxpayer's property tax liability does not include the liability for a tax levied under this chapter."**

Page 62, line 4, delete "(d)" and insert "(e)".

Page 155, line 8, after "area." insert **"Notwithstanding any other provision of this chapter or IC 6-1.1-20.6, a governing body may file with the county auditor a certified statement providing that for purposes of computing and applying a credit under IC 6-1.1-20.6 for a particular calendar year, a taxpayer's property tax liability does not include the liability for a special assessment imposed under this chapter. The department of local government finance shall adopt the form of the certified statement that a governing body may file under this subsection. The department of local government finance shall establish procedures governing the filing of a certified statement under this subsection. If a governing body files a certified statement under this subsection, then for purposes of computing and applying a credit under IC 6-1.1-20.6 for the specified calendar year, a taxpayer's property tax liability does not include the liability for a special assessment imposed under this chapter."**

(Reference is to EHB 1478 as printed April 6, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION  
(Amendment 1478–4)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 97, between lines 27 and 28, begin a new paragraph and insert:

**"(g) If a county council does not adopt a tax rate under this section within thirty (30) days after becoming eligible to adopt the tax rate, the fiscal body of a municipality in the county may**

**adopt the tax rate, which shall be applied only within the municipality. A tax rate adopted under this subsection applies only to county taxpayers who are residents of the municipality. Except as otherwise provided, the provisions of this section apply to a tax rate adopted under this subsection. The tax revenue attributable to a tax rate adopted under this subsection may be used by the municipality only within the municipality for a purpose described in subsection (f), as specified by ordinance of the fiscal body of the municipality. Except as provided in subsection (h), if a county council adopts a tax rate under this section after the fiscal body of a municipality has adopted a tax rate under this subsection, the tax rate adopted under this subsection by the fiscal body of the municipality is rescinded on the effective date of the tax rate adopted under this section by the county council.**

**(h) If the tax rate adopted under subsection (g) by the fiscal body of a municipality exceeds the tax rate adopted under this section by the county council, a tax rate equal to the difference between:**

**(1) the tax rate adopted by the municipality; minus**

**(2) the tax rate adopted by the county council;**

**continues in effect in the municipality. The tax revenue attributable to the tax rate that continues in effect in the municipality may be used by the municipality only within the municipality for a purpose described in subsection (f), as specified by ordinance of the fiscal body of the municipality."**

Page 97, line 28, delete "(g)" and insert "(i)".

Page 97, line 37, delete "(h)" and insert "(j)".

Page 121, between lines 1 and 2, begin a new paragraph and insert:

**"(g) If a county income tax council does not adopt a tax rate under this section within thirty (30) days after becoming eligible to adopt the tax rate, the fiscal body of a municipality in the county may adopt the tax rate, which shall be applied only within the municipality. A tax rate adopted under this subsection applies only to county taxpayers who are residents of the municipality. Except as otherwise provided, the provisions of this section apply to a tax rate adopted under this subsection. The tax revenue attributable to a tax rate adopted under this subsection may be used by the municipality only within the municipality for a purpose described in subsection (f), as specified by ordinance of the fiscal body of the municipality. Except as provided in subsection (h), if a county income tax council adopts a tax rate under this section after the fiscal body of a municipality has adopted a tax rate under this subsection, the tax rate adopted under this subsection by the fiscal body of the municipality is rescinded on the effective date of the tax rate adopted under this section by the county income tax council.**

**(h) If the tax rate adopted under subsection (g) by the fiscal body of a municipality exceeds the tax rate adopted under this section by the county income tax council, a tax rate equal to the difference between:**

**(1) the tax rate adopted by the municipality; minus**

**(2) the tax rate adopted by the county income tax council; continues in effect in the municipality. The tax revenue attributable to the tax rate that continues in effect in the municipality may be used by the municipality only within the**

**municipality for a purpose described in subsection (f), as specified by ordinance of the fiscal body of the municipality."**

Page 121, line 2, delete "(g)" and insert "(i)".

Page 121, line 8, delete "(h)" and insert "(j)".

Page 121, line 11, delete "(i)" and insert "(k)".

(Reference is to EHB 1478 as printed April 6, 2007.)

BRODEN

Motion failed.

SENATE MOTION  
(Amendment 1478-7)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 95, line 21, delete "five-hundredths" and insert **"twenty-five hundredths"**.

Page 95, line 21, delete "(0.05%)." and insert **"(0.25%)."**

Page 95, delete lines 29 through 38, begin a new paragraph and insert:

**"(f) The county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality and township in the county. The amount that shall be distributed to the county, municipality, or township is equal to the result of:**

**(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by**

**(2) a fraction equal to:**

**(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county, municipality, or township for the calendar year; divided by**

**(B) the sum of the attributed allocation amounts of the county and each municipality and township in the county for the calendar year.**

**The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county, municipality, or township under this subsection must be deposited into a separate account or fund and may be appropriated by the county, municipality, or township only for public safety purposes."**

Page 118, line 25, delete "five-hundredths" and insert **"twenty-five hundredths"**.

Page 118, line 25, delete "(0.05%)." and insert **"(0.25%)."**

Page 118, delete lines 33 through 42, begin a new paragraph and insert:

**"(f) The county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality and township in the county. The amount that shall be distributed to the county, municipality, or township is equal to the result of:**

**(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by**

**(2) a fraction equal to:**

**(A) the total property taxes being collected in the county by the county, municipality, or township for the calendar year; divided by**

**(B) the sum of the total property taxes being collected in the county by the county and each municipality and township in the county for the calendar year.**

**The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county, municipality, or township under this subsection must be deposited into a separate account or fund and may be appropriated by the county, municipality, or township only for public safety purposes."**

(Reference is to EHB 1478 as printed April 6, 2007.)

BRODEN

Motion failed.

SENATE MOTION  
(Amendment 1478-1)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 202, between lines 29 and 30, begin a new paragraph and insert:

**"SECTION 170. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) Notwithstanding the provisions in IC 6-1.1-20.4-4 specifying that an ordinance or a resolution must be adopted before December 31 for homestead credits to be provided under IC 6-1.1-20.4 in the following year, a political subdivision may adopt an ordinance or a resolution after December 31, 2006, and before June 1, 2007, to provide for the use of revenue for the purpose of providing a homestead credit under IC 6-1.1-20.4 in 2007.**

**(b) If a political subdivision adopts an ordinance or a resolution described in subsection (a):**

**(1) the local homestead credit under IC 6-1.1-20.4 shall be applied in the political subdivision in 2007; and**

**(2) the department of local government finance may take any action necessary to apply the local homestead credit in the political subdivision in 2007.**

**(c) This SECTION expires December 31, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1478 as printed April 6, 2007.)

HEINOLD

Motion prevailed.

SENATE MOTION  
(Amendment 1478-2)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 177, between lines 12 and 13, begin a new paragraph and insert:

**"SECTION 146. IC 36-4-3-4, AS AMENDED BY P.L.111-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:**

**(1) Territory that is contiguous to the municipality.**

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);
- (2) more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);
- (3) more than seventy thousand (70,000) but less than seventy-one thousand (71,000);
- (4) more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);
- (5) more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);
- (6) more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);
- (7) more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);
- (8) more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000); or
- (9) more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than three hundred thousand (300,000); or
- (10) more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).**

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices

entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

- (A) in a county that is not described by clause (B); or
- (B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

- (1) is not contiguous to the city;
- (2) has its entire area not more than eight (8) miles from the city's boundary;
- (3) does not extend more than:
  - (A) one and one-half (1 1/2) miles to the west;
  - (B) three-fourths (3/4) mile to the east;
  - (C) one-half (1/2) mile to the north; or
  - (D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1478 as printed April 6, 2007.)

HEINOLD

Motion prevailed.

#### SENATE MOTION (Amendment 1478-15)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 45, between lines 41 and 42, begin a new line double block indented and insert:

**"(D) One (1) member appointed from nominees submitted by the Indiana Library Foundation.**

**(E) One (1) member appointed from nominees submitted by the Indiana Township Association."**

(Reference is to EHB 1478 as printed April 6, 2007.)

WEATHERWAX

Motion prevailed.

SENATE MOTION  
(Amendment 1478-10)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 95, delete lines 29 through 38, begin a new paragraph and insert:

**"(f) The county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality and township in the county. The amount that shall be distributed to the county, municipality, or township is equal to the result of:**

**(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by**

**(2) a fraction equal to:**

**(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county, municipality, or township for the calendar year; divided by**

**(B) the sum of the attributed allocation amounts of the county and each municipality and township in the county for the calendar year.**

**The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county, municipality, or township under this subsection must be deposited into a separate account or fund and may be appropriated by the county, municipality, or township only for public safety purposes."**

Page 118, delete lines 33 through 42, begin a new paragraph and insert:

**"(f) The county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality and township in the county. The amount that shall be distributed to the county, municipality, or township is equal to the result of:**

**(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by**

**(2) a fraction equal to:**

**(A) the total property taxes being collected in the county by the county, municipality, or township for the calendar year; divided by**

**(B) the sum of the total property taxes being collected in the county by the county and each municipality and township in the county for the calendar year.**

**The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county, municipality, or township under this subsection must be deposited into a separate account or fund and may be appropriated by the county, municipality, or township only for**

**public safety purposes."**

(Reference is to EHB 1478 as printed April 6, 2007.)

BRODEN

Motion prevailed.

SENATE MOTION  
(Amendment 1478-18)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 201, line 6, delete "and".

Page 201, line 10, delete "." and insert "; and".

Page 201, after line 10, begin a new paragraph and insert:

**"(3) whether residents of municipalities subsidize residents in unincorporated areas through the provision of entertainment amenities, public safety, transportation infrastructure, and not-for-profit services such as health care, education, and mental health services.**

(Reference is to EHB 1478 as printed April 6, 2007.)

BRODEN

Motion failed.

SENATE MOTION  
(Amendment 1478-11)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 24.

Page 10, delete lines 4 through 42.

Delete pages 11 through 19.

Page 20, delete lines 1 through 17.

Page 25, delete lines 17 through 42.

Delete pages 26 through 29.

Page 30, delete lines 1 through 6.

Page 30, line 10, delete "(before".

Page 30, delete line 11.

Page 30, line 12, delete "review (after December 31, 2008)".

Page 37, delete lines 39 through 42.

Delete pages 38 through 42.

Page 43, delete lines 1 through 29.

Page 62, delete lines 8 through 42.

Delete pages 63 through 73.

Page 74, delete lines 1 through 34.

Page 89, delete lines 7 through 42.

Page 90, delete lines 1 through 12.

Page 149, delete lines 14 through 42.

Delete page 150.

Page 151, delete lines 1 through 35.

Page 162, delete lines 11 through 29.

Page 163, delete lines 35 through 42.

Delete page 164.

Page 165, delete lines 1 through 17.

Page 166, delete lines 18 through 42.

Page 169, delete lines 14 through 42.

Delete page 170.

Page 171, delete lines 1 through 3.

Page 171, delete lines 11 through 42.  
 Page 172, delete lines 1 through 36.  
 Page 173, delete lines 1 through 17.  
 Page 173, delete lines 25 through 31.  
 Page 175, delete lines 13 through 42.  
 Delete pages 176 through 177.  
 Page 178, delete lines 1 through 29.  
 Page 185, delete lines 37 through 42.  
 Delete pages 186 through 198.  
 Page 199, delete lines 1 through 4.  
 Page 199, delete lines 10 through 37.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1478 as printed April 6, 2007.)

SKINNER

Motion failed.

SENATE MOTION  
 (Amendment 1478-17)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 69, line 30, after "1." insert "(a)".

Page 69, between lines 41 and 42, begin a new paragraph and insert:

**"(b) The term does not include:**  
**(1) wastewater treatment projects;**  
**(2) sewer systems;**  
**(3) drinking water systems; or**  
**(4) projects that extend water lines."**

(Reference is to EHB 1478 as printed April 6, 2007.)

HUME

Motion failed.

SENATE MOTION  
 (Amendment 1478-23)

Madam President: I move that Engrossed House Bill 1478 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 24.

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 28.

Page 10, delete lines 4 through 42.

Delete pages 11 through 44.

Page 45, delete lines 1 through 7.

Delete pages 49 through 56.

Page 57, delete lines 1 through 8.

Page 59, line 36, delete "reduction or".

Page 59, line 37, delete "IC 20-45-3-11(b) through" and insert **"IC 20-45"**.

Page 59, line 38, delete "IC 20-45-3-11(c)".

Page 62, between lines 3 and 4, begin a new paragraph and insert:

**"(d) For purposes of computing a credit under IC 6-1.1-20.6, a taxpayer's property tax liability does not include the liability for a tax levied under this chapter. A tax levied under this chapter may not be reduced on account of a credit under**

**IC 6-1.1-20.6. A credit under IC 6-1.1-20.6 may not be increased on account of a tax levied under this chapter."**

Page 62, line 4, "delete "(d)" and insert "(e)".

Page 62, delete lines 8 through 42.

Delete pages 63 through 73.

Page 74, delete lines 1 through 34.

Page 76, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 10. IC 6-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Each taxable year, a tax at the ~~rate of three and four-tenths percent (3.4%)~~ **of adjusted gross income following rates** is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

**(1) Three and four-tenths percent (3.4%) of the part of adjusted gross income that is less than forty-nine thousand nine hundred ninety-nine dollars (\$49,999).**

**(2) Three and eight-tenths percent (3.8%) of the part of adjusted gross income that is at least fifty thousand dollars (\$50,000) but less than seventy-four thousand nine hundred ninety-nine dollars (\$74,999).**

**(3) Five percent (5%) of the part of adjusted gross income that is at least seventy-five thousand dollars (\$75,000) but less than one hundred forty-nine thousand nine hundred ninety-nine dollars (\$149,999).**

**(4) Six percent (6%) of the part of adjusted gross income that equals or exceeds one hundred fifty thousand dollars (\$150,000).**

(b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the rate of ~~eight seven and five-tenths percent (8.5%)~~ **(7.5%)** of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation."

Page 77, delete lines 31 through 42, begin a new paragraph and insert:

**"(d) Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 adjust the allocation amount of each school corporation to ensure that the school corporation's allocation amount is not reduced (as a percentage of the part of certified distributions that constitute property tax replacement credits) because of the elimination of the school corporation's tuition support levy."**

Delete pages 78 through 107.

Page 108, delete lines 1 through 13.

Page 108, line 32, delete "30, 31, 32,".

Page 109, line 4, delete "30, 31, 32,".

Page 110, line 6, delete "(other than revenues)".

Page 110, delete line 7.

Page 110, line 8, delete "chapter".

Page 110, run in lines 6 through 8.

Page 110, delete lines 13 through 42.

Delete pages 111 through 120.

Page 121, delete lines 1 through 13.

Page 122, delete line 42, begin a new paragraph and insert:

"SECTION 91. IC 6-3.5-7-5, AS AMENDED BY P.L.162-2006, SECTION 33, AND AS AMENDED BY P.L.184-2006, SECTION



8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r), the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), ~~or~~ (s), ~~or~~ (v), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), ~~or~~ (u), ~~or~~ (w), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The \_\_\_\_\_ County \_\_\_\_\_ imposes the county economic development income tax on the county taxpayers of \_\_\_\_\_ County. The county economic development income tax is imposed at a rate of \_\_\_\_\_ percent (\_\_\_\_%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in

subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
  - (A) fifteen-hundredths percent (0.15%);
  - (B) two-tenths percent (0.2%); or
  - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this

section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) *This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).*

**(w) This subsection applies to Monroe County. Except as provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%)."**

Delete pages 123 through 129.

Page 130, delete lines 1 through 37.

Page 133, delete lines 30 through 42, begin a new paragraph and insert:

**"(h) Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 certify to the county auditor an adjustment to the amount of the guaranteed distribution and supplemental distribution that each school corporation in the county is entitled to receive under this section to ensure that the school corporation's guaranteed distribution and supplemental distribution amount is not reduced (as a percentage of the total guaranteed distributions and supplemental distributions in the county) because of the elimination of the school corporation's tuition support levy under IC 20-45."**

Delete pages 134 through 141.

Page 142, delete lines 1 through 13.

Page 143, delete lines 15 through 31, begin a new paragraph and insert:

"(d) Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 certify to the county auditor an adjustment to the distribution of excise taxes to ensure that the school corporation's amount of excise tax revenue under this chapter is not reduced (as a percentage of the total excise tax distributions in the county) because of the elimination of the school corporation's tuition support levy under IC 20-45."

Page 144, delete lines 33 through 42, begin a new paragraph and insert:

"(f) Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 certify to the county auditor an adjustment to the distribution of excise taxes to ensure that the school corporation's amount of excise tax revenue under this chapter is not reduced (as a percentage of the total excise tax distributions in the county) because of the elimination of the school corporation's tuition support levy under IC 20-45."

Page 145, delete lines 1 through 7.

Page 146, delete lines 1 through 17, begin a new line blocked left and insert:

"Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 certify to the county auditor an adjustment to the distribution of excise taxes to ensure that the school corporation's amount of excise tax revenue under this chapter is not reduced (as a percentage of the total excise tax distributions in the county) because of the elimination of the school corporation's tuition support levy under IC 20-45."

Page 146, delete lines 39 through 42, begin a new paragraph and insert:

"(c) Notwithstanding any other provision of this section, the department of local government finance shall for each year after 2007 certify to the county auditor an adjustment to the distribution of excise taxes to ensure that the school corporation's amount of boat excise tax revenue under this chapter is not reduced (as a percentage of the total boat excise tax distributions in the county) because of the elimination of the school corporation's tuition support levy under IC 20-45."

Page 147, delete lines 1 through 13.

Page 149, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 107. IC 20-43-6-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) A school corporation's local contribution for a calendar year is the amount determined under the applicable provision of this section.

(b) This subsection applies to a school corporation that is not a charter school. Determine the sum of the following:

- (1) The school corporation's adjusted tuition support levy;
- (2) The school corporation's excise tax revenue for the year that precedes the current year by one (1) year.

(c) This subsection applies to a charter school. Determine the product of:

- (1) the charter school's guaranteed minimum revenue for the calendar year; multiplied by
- (2) thirty-five hundredths (0.35). The charter school's local contribution is zero dollars (\$0).

SECTION 108. IC 20-44-2-2, AS ADDED BY P.L.2-2006, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. **Except as provided in IC 20-45-3-11**, each governing body may annually levy the amount of taxes that:

- (1) in the judgment of the governing body; and
- (2) after being made a matter of record in the minutes; should be levied to produce income sufficient to conduct and carry on the public schools committed to the governing body.

SECTION 109. IC 20-45-2-1, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **Except as provided in IC 20-45-3-11**, the governing body of each school corporation shall levy a property tax for the school corporation's general fund.

SECTION 110. IC 20-45-3-1, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A school corporation may **not** impose a tuition support levy for the school corporation's general fund **after December 31, 2007**.

SECTION 111. IC 20-45-3-11, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) **Except as provided in subsection (b)**, a school corporation's tuition support levy for a calendar year is the sum of the following:

- (1) The school corporation's equalized levy for the calendar year.
- (2) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.
- (3) The part of the maximum permissible tuition support levy for the year that equals the original amount of the levy by the school corporation to cover the costs of opening a new school facility or reopening an existing facility during the preceding year.
- (4) The amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the target revenue per ADM for each charter school that included at least one (1) student who has legal settlement in the school corporation in the charter school's current ADM.

STEP TWO: For each charter school, multiply the STEP ONE amount by the number of students who have legal settlement in the school corporation and who are included in the charter school's current ADM.

STEP THREE: Determine the sum of the STEP TWO amounts.

STEP FOUR: Multiply the STEP THREE amount by thirty-five hundredths (0.35).

(b) **For calendar year 2008 and thereafter, a school corporation may not impose a tuition support levy.**

SECTION 112. IC 20-45-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1.5. **The elimination of a school corporation's tuition support levy does not prohibit a school corporation from imposing an excessive tax levy authorized under this chapter.**

SECTION 113. IC 20-45-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2008]: **Sec. 1.5. The elimination of a school corporation's tuition support levy does not prohibit a county council from imposing a tax under this chapter.**

SECTION 114. IC 20-45-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2008]: **Sec. 1.5. The elimination of a school corporation's tuition support levy does not prohibit a board of county commissioners from imposing a county supplemental school financing tax under this chapter.**

SECTION 115. IC 20-46-1-18, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 18. **(a)** A school corporation's levy may not be considered in the determination of the school corporation's state tuition support under IC 20-43 or the determination of the school corporation's maximum permissible tuition support levy under IC 20-45-3.

**(b) The elimination of a school corporation's tuition support levy does not affect:**

- (1) the authority for voters to approve a referendum tax levy in a referendum under this chapter; and**
- (2) the authority for a school corporation to collect a referendum tax levy approved in a referendum under this chapter."**

Delete pages 150 through 177.

Page 178, delete lines 1 through 29.

Page 185, delete lines 37 through 42.

Delete pages 186 through 199.

Page 200, delete lines 1 through 31.

Page 200, delete lines 37 through 40.

Page 203, delete lines 2 through 4, begin a new paragraph and insert:

**"SECTION 171. [EFFECTIVE JANUARY 1, 2008] IC 6-3-2-1, as amended by this act, applies to taxable years beginning after December 31, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1478 as printed April 6, 2007.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 380: yeas 16, nays 31.

Motion failed. The bill was ordered engrossed.

7:00 p.m.

The Chair declared a recess until the fall of the gavel.

## Recess

The Senate reconvened at 7:15 p.m., with Senator Long in the Chair.

## ENGROSSED HOUSE BILLS ON SECOND READING

### Engrossed House Bill 1382

Senator Becker called up Engrossed House Bill 1382 for second

reading. The bill was read a second time by title.

### SENATE MOTION (Amendment 1382-1)

Madam President: I move that Engrossed House Bill 1382 be amended to read as follows:

Page 3, delete lines 22 through 23.

(Reference is to EHB 1382 as printed April 6, 2007.)

BECKER

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1821

Senator Miller called up Engrossed House Bill 1821 for second reading. The bill was reread a second time by title.

### SENATE MOTION (Amendment 1821-5)

Madam President: I move that Engrossed House Bill 1821 be amended to read as follows:

Page 11, line 4, delete "therapist" and insert "**therapy**".

(Reference is to EHB 1821 as reprinted April 10, 2007.)

MILLER

Motion prevailed.

### SENATE MOTION (Amendment 1821-6)

Madam President: I move that Engrossed House Bill 1821 be amended to read as follows:

Page 9, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 11. IC 25-1-4-5, AS ADDED BY P.L.157-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter **or IC 25-1-8-6** at the time that the practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail.
- (2) As a condition of license renewal **or reinstatement**, require the practitioner to comply with subsection (b).
- (3) **For license renewal**, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

- (1) If the practitioner believes that the practitioner has complied with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
- (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

- (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000)

within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a ~~practitioner suspended under subsection (c);~~ **practitioner's license;** or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable.**

SECTION 12. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal **or reinstatement.**

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

SECTION 13. IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for

out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 14. IC 25-1-8-6, AS AMENDED BY P.L.157-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) State board of barber examiners (IC 25-7-5-1).

(6) State boxing commission (IC 25-9-1).

(7) Board of chiropractic examiners (IC 25-10-1).

(8) State board of cosmetology examiners (IC 25-8-3-1).

(9) State board of dentistry (IC 25-14-1).

(10) Indiana dietitians certification board (IC 25-14.5-2-1).

(11) State board of registration for professional engineers (IC 25-31-1-3).

(12) Board of environmental health specialists (IC 25-32-1).

(13) State board of funeral and cemetery service (IC 25-15-9).

(14) Indiana state board of health facility administrators (IC 25-19-1).

(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).

(16) Home inspectors licensing board (IC 25-20.2-3-1).

(17) Indiana hypnotist committee (IC 25-20.5-1-7).

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

(20) Medical licensing board of Indiana (IC 25-22.5-2).

(21) Indiana state board of nursing (IC 25-23-1).

(22) Occupational therapy committee (IC 25-23.5).

(23) Indiana optometry board (IC 25-24).

(24) Indiana board of pharmacy (IC 25-26).

(25) Indiana physical therapy committee (IC 25-27).

- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period: or~~

**(B) if the holder has not complied with the continuing education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.**

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period: or~~

**(B) if the holder has not complied with the continuing**

**education requirements, is subject to the requirements under IC 25-1-4-5 and IC 25-1-4-6.**

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 15. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.**

**(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:**

**(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.**

**(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.**

**(3) Reinstatement of the license and file a complaint under IC 25-1-7.**

**(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.**

**(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.**

**(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).**

**(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a**

final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 16. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
  - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
  - (C) advertised services in a false or misleading manner; **or**
  - (D) **engaged in fraudulent billing practices, including fraud under:**
    - (i) **Medicaid (42 U.S.C. 1396 et seq.);**
    - (ii) **Medicare (42 U.S.C. 1395 et seq.);**
    - (iii) **the children's health insurance program under IC 12-17.6; or**
    - (iv) **insurance claims.**
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; **or**
  - (B) **is harmful to the public;**
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence that:
    - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
    - (ii) does not include activities performed under IC 16-21-2-9;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the

public;

- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any ~~other~~ state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has diverted:
  - (A) a legend drug (as defined in IC 16-18-2-199); or
  - (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;
- (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
- (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
- (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; ~~or~~
- (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; **or**
- (13) **a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.**

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

SECTION 17. IC 25-1-9-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of ~~another~~ any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
  - (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.
- (b) **The board may:**
- (1) **refuse to issue a license; or**
  - (2) **issue a probationary license;**
- to an applicant for licensure if the applicant practiced without a license in violation of the law.**

~~(b)~~ (c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 18. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
  - (C) advertised services or goods in a false or misleading manner; ~~or~~
  - (D) engaged in fraudulent billing practices;**
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or**
  - (B) is harmful to the public;**
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence, **including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;**
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ **any** state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an

act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; ~~or~~

**(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.**

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

~~(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.~~

~~(d) (c)~~ A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c).~~

SECTION 19. IC 25-1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

**(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.**

**(c) Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number or facsimile number of the**



**practitioner on file with the board.**

SECTION 20. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
  - (A) been disciplined by a licensing entity of another state or jurisdiction; or
  - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

**(b) The board may:**

- (1) refuse to issue a license; or**
- (2) issue a probationary license;**

**to an applicant for licensure if the applicant practiced without a license in violation of the law.**

~~(b)~~ **(c)** Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ **(d)** The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 21. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of an individual or a firm in the practice of accountancy, by at least one (1) individual who:

- (1) holds a valid CPA certificate from any state; and ~~who~~**
- (2) is independent of the individual or firm being reviewed.**

SECTION 22. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
  - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
  - (B) the histology of hair, skin, muscles, and nerves;
  - (C) the structure of the head, face, and neck;
  - (D) elementary chemistry relating to sterilization and

antiseptics;

(E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and  
(F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;

- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:

- (A) a building permit;
- (B) a certificate of occupancy; or
- (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

- (A) be separated from the residence by a substantial floor to ceiling partition; and
- (B) have a separate entrance;

(8) as a requirement for graduation, the proposed school must:

- (A) administer; and
- (B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 23. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means either of the following:**

**(1) A self-contained facility that may be moved, towed, or transported from one (1) location to another and in which cosmetology, electrology, esthetics, or manicuring is practiced.**

**(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:**

- (A) other cosmetology, electrology, esthetic, or manicuring salons;**
- (B) clients' homes; and**
- (C) nursing homes.**

SECTION 24. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. **(a)** The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons; and
- (E) cosmetology schools;

(2) establish standards for the practice of cosmetology and the operation of:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons; and
- (E) cosmetology schools;

- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for cosmetology school uniforms for students and instructors.

**(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:**

- (1) Sanitation standards.**
- (2) Safety requirements.**
- (3) Permanent address requirements at which the following are located:**
  - (A) Records of appointments.**
  - (B) License numbers of employees.**
  - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.**
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.**

SECTION 25. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. **(a)** Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and
- (3) complies with all of the requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated; other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board: established under IC 25-1-8-6.

**(b) Except as provided in subsection (e), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within four (4) years after the expiration date of the license, unless the person holding the license;**

- (1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;**
- (2) pays the examination fee set forth in IC 25-1-8-2;**
- (3) pays the renewal fees established by the board under IC 25-1-8-2; and**
- (4) pays the reinstatement fee established under IC 25-1-8-6.**

**(c) If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.**

**(d) If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:**

- (1) permit the person to take the examination again;**
- (2) require the person to complete remediation and additional training as required by the board before the person is permitted to take the examination again; or**
- (3) refuse to permit the person to take the examination**

**again and deny the application for reinstatement of the license.**

**(e) The board may not reinstate:**

- (1) a cosmetology salon license issued under IC 25-8-7;**
- (2) an electrology salon license issued under IC 25-8-7.2;**
- (3) an esthetic salon license issued under IC 25-8-12.6; or**
- (4) a manicurist salon license issued under IC 25-8-7.1;**

**unless the license holder submits an application for reinstatement of the license not later than two (2) years after the date the license expires.**

**(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than six (6) months after the date the license expires.**

SECTION 26. IC 25-8-4-27, AS AMENDED BY P.L.194-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. If a person holding a license described in section ~~22(b)~~ **21(e) or 21(f)** of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

(1) file an application for a new license to operate:

- (A) a cosmetology salon;
- (B) an electrology salon;
- (C) an esthetic salon;
- (D) a manicurist salon; or
- (E) a cosmetology school;

under this article; and

(2) pay the reinstatement fee set forth in:

- (A) IC 25-8-13-3; or
- (B) IC 25-8-13-5(b).

SECTION 27. IC 25-8-5-3, AS AMENDED BY P.L.157-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
  - (A) be separated from the residence by a substantial floor to ceiling partition; and
  - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must:
  - (A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 28. IC 25-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may license a person to be a ~~cosmetology~~ **beauty culture** instructor.

SECTION 29. IC 25-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file a verified application for a ~~cosmetology~~ **beauty culture** instructor license with the board. ~~to obtain that license.~~ The application must be made on a form prescribed by the board.

SECTION 30. IC 25-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

- (1) is at least eighteen (18) years of age;
- (2) has graduated from high school or received the equivalent of a high school education;
- (3) holds a cosmetologist, **an electrologist, a manicurist, or an esthetician** license issued under this article;
- ~~(4) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school;~~
- (4) has completed the education and experience requirements subject to the rules adopted by the board;**
- (5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;
- (6) has received a satisfactory grade (as ~~defined~~ **described** in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and
- (7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

SECTION 31. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

- (1) Cosmetology, if the person:**
  - (A) holds a cosmetologist license under IC 25-8-9; and**
  - (B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.**
- (2) Electrology, if the person holds an electrologist license under IC 25-8-10.**
- (3) Manicuring, if the person holds a manicurist license under IC 25-8-11.**
- (4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.**

SECTION 32. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who wishes to obtain a cosmetology salon license must:

- (1) do one (1) or more of the following:**
  - (A) Select a site for the salon which, if located in the same building as a residence:**

~~(A)~~ **(i)** is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ **(ii)** has a separate entry.

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

- (2) if applicable,** obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;
- (3) install the furnishings, if applicable,** and obtain the salon equipment required under rules adopted by the board; and
- (4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.**

SECTION 33. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain a manicurist salon license must:

- (1) do one (1) or more of the following:**

~~(A)~~ **(i)** Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ **(i)** is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ **(ii)** has a separate entry.

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

- (2) if applicable,** obtain:

**(A) a building permit;**

**(B) a certificate of occupancy; or**

**(C) other approval action required under IC 22-15-3 and IC 36-7-4;**

to operate the manicurist salon;

- (3) install the furnishings, if applicable,** and obtain the salon equipment required under rules adopted by the board; **and**
- (4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:**

**(A) manicurist under IC 25-8-11; or**

**(B) cosmetologist under IC 25-8-9;**

before the application was submitted under this chapter.

SECTION 34. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain an electrology salon license must:

- (1) do one (1) or more of the following:**

~~(A)~~ **(i)** Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ **(i)** is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ **(ii)** has a separate entry.

**(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);**

- (2) if applicable,** obtain:

**(A) a building permit;**

**(B) a certificate of occupancy; or**

**(C) other approval action required under IC 22-15-3 and IC 36-7-4;**

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 35. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, **or** manicuring. ~~or the instruction of cosmetology; esthetics; or electrology.~~

SECTION 36. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit; **or**
- (4) manicurist work permit;
- ~~(5) cosmetology instructor work permit;~~
- ~~(6) esthetics instructor work permit; or~~
- ~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 37. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
  - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
  - (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
  - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
  - (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice esthetics under the supervision of an esthetician; and
- (2) has filed an application under:
  - (A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or
  - (B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice manicuring under the supervision of a

cosmetologist or manicurist; and

(2) has filed an application under:

(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and

(2) has filed an application under:

(A) ~~IC 25-8-6-2~~, but has not taken the examination described in ~~IC 25-8-6-3(6)~~; or

(B) ~~IC 25-8-4-2~~ and is awaiting a board determination.

(f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and

(2) has filed an application under:

(A) ~~IC 25-8-6.1-2~~, but has not taken the examination described in ~~IC 25-8-6.1-3(6)~~; or

(B) ~~IC 25-8-4-5~~ and is awaiting a board determination described in ~~IC 25-8-4-2~~.

(g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of electrology under the supervision of an electrology instructor; and

(2) has filed an application under:

(A) ~~IC 25-8-6.2-2~~, but has not taken the examination described in ~~IC 25-8-6.2-3(6)~~; or

(B) ~~IC 25-8-4-2~~ and is awaiting a board determination.

SECTION 38. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

(1) **pays renewal fees established by the board under IC 25-1-8-2;**

(2) **pays the license reinstatement fee established under IC 25-1-8-6; and**

(3) **complies with all requirements established under this article for an applicant for an initial license.**

SECTION 39. IC 25-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana professional licensing agency may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring or boxing matches ~~semiprofessional elimination contests~~, or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match ~~contest~~, or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The licensing agency may appoint and remove a secretary for the commission, who shall:

(1) keep a full and true record of all the commission's proceedings;

(2) preserve at its general office all the commission's books, documents, and papers;

- (3) prepare for service notices and other papers as may be required by the commission; and
- (4) perform other duties as the licensing agency may prescribe.

The licensing agency may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses.

SECTION 40. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses may be held in Indiana.

(b) The commission:

- (1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~, or exhibitions to be conducted, held, or given in Indiana; and
- (2) may issue licenses for those matches ~~contests~~, or exhibitions.

(c) A boxing or sparring match or an exhibition that is:

- (1) conducted by any school, college, or university within Indiana;
- (2) sanctioned by United States Amateur Boxing, Inc.; or
- (3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 41. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The commission may:

- (1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions to any person who is qualified under this chapter; and
- (2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 42. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall be:

- (1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and
- (2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, shall, among other things, state:

- (1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;
- (2) the names of the contestants who will participate and their seconds;
- (3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;
- (4) the admission charge which is proposed to be made;
- (5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;
- (6) the name and address of the person making the application;
- (7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and
- (8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 43. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 44. IC 25-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition conducted by it; or

(3) participate in or permit any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty, have the person's license or permit revoked and be rendered ineligible for a license or permit at any future time.

SECTION 45. IC 25-9-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall not:

(1) participate in any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where the match or exhibition is conducted by a licensed person; or

(2) being under the age of eighteen (18), participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the fine, suffer a revocation of the person's license or permit, and for a second offense be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 46. IC 25-9-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition unless duly registered and licensed with the state boxing commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a contestant shall file an application in writing with the Indiana professional licensing agency, which application shall, among other things, state:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing or sparring matches or

exhibitions.

SECTION 47. IC 25-9-1-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare ~~him~~ **the person** ineligible to participate in any boxing or sparring match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner provided, and the commission may rescind the prior order of suspension.

SECTION 48. IC 25-9-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the commission that:

- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
- (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, exhibition, or other activity regulated by the commission.

SECTION 49. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

- (1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and
- (2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted for any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties thereon by the commission;
- (3) payable to the state of Indiana; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

SECTION 50. IC 25-9-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing ~~him the official representative~~ to act as an inspector wherever the commission may designate ~~him the official representative~~ to act. One (1) inspector or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 51. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 52. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must ~~do~~ the following:

- (1) establish procedures for approving an organization that provides continuing education.
- (2) ~~Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:~~

(A) ~~An alphabetical list of all land surveyors who attended the course.~~

(B) ~~A certified statement of the hours to be credited to each land surveyor.~~

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

- (1) Allow private organizations to implement the continuing education requirement.
- (2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:
  - (A) do not require the holder of an inactive certificate to obtain continuing education;
  - (B) prohibit the holder of an inactive certificate from

practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5."

Page 17, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 78. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. ~~Two (2) years of~~ The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 79. IC 25-23.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency shall provide the board with clerical or other assistants ~~including investigators~~, necessary for the proper performance of the board's duties.

SECTION 80. IC 25-27.5-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **An individual who:**

- (1) **is certified under this chapter; and**
- (2) **does not practice as a physician assistant under a supervising physician;**

**shall notify the committee in writing that the individual does not have a supervising physician.**

**(b) If an individual who is certified under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's certificate on inactive status.**

**(c) An individual may reinstate a certificate that is placed on inactive status under this section if the individual:**

- (1) **submits a written application to the committee requesting that the certificate be placed on active status; and**
- (2) **provides information as required by the committee concerning the physician who will be supervising the individual.**

SECTION 81. IC 25-35.6-1-7, AS AMENDED BY P.L.157-2006, SECTION 75, AND AS AMENDED BY P.L.1-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The **division of professional standards board established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this section)** may issue the following:

(1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.

(2) **A nonrenewable initial license as a speech-language pathologist to an individual who is completing a clinical fellowship in speech-language pathology and who has registered the clinical fellowship with the board. The nonrenewable initial license expires on the earlier of:**

**(A) the date the individual is licensed by the board as a speech-language pathologist; or**

**(B) eighteen (18) months after the individual begins the clinical fellowship in speech-language pathology.**

~~(2)~~ (3) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.

(b) The **division of professional standards board** shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article; and

(2) requests licensure.

(c) A speech-language pathologist licensed by the **division of professional standards board** shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The **division of professional standards board** may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The **division of professional standards board** may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual: ~~who:~~

(1) ~~if:~~ **who:**

(A) **if** the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) **if** the individual is an audiologist, works in an educational setting;

(2) **who** has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3)

consecutive years; and

(3) **who** has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 82. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist **issued by the board.**

(2) Have at least three (3) years of clinical experience.

(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist."

Page 18, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 84. IC 35-48-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

**Acetyl-alpha-methylfentanyl (N-[1-(1-methyl 1-2-phenethyl)-4-piperidinyl-N-]phenylacetamide) (9815)**

Acetylmethadol (9601)

Allylprodine (9602)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

**Alpha-methylfentanyl**

**(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;**



**1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine (9814)**

**Alpha-methylthiofentanyl**

**(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl-N-phenylpropanamide] (9832)**

~~Alphamethylfentanyl (9614)~~

Benzethidine (9606)

Betacetylmethadol (9607)

**Beta-hydroxyfentanyl(N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)**

**Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide (9831)**

Betameprodine (9608)

Betamethadol (9609)

Betaprodine (9611)

Clonitazene (9612)

Dextromoramide (9613)

Diampromide (9615)

Diethylthiambutene (9616)

Difenoxin (9168)

Dimenoxadol (9617)

Dimepheptanol (9618)

Dimethylthiambutene (9619)

Dioxaphetyl butyrate (9621)

Dipipanone (9622)

Ethylmethylthiambutene (9623)

Etonitazene (9624)

Etoperidine (9625)

Furethidine (9626)

Hydroxypethidine (9627)

Ketobemidone (9628)

Levomoramide (9629)

Levophenacetylmorphan (9631)

3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](9813)

**3-methylthiofentanyl(N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)**

~~MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)~~

Morpheridine (9632)

Noracymethadol (9633)

Norlevorphanol (9634)

Normethadone (9635)

Norpipanone (9636)

**Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)**

Phenadoxone (9637)

Phenampromide (9638)

Phenomorphane (9647)

Phenoperidine (9641)

PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)

Piritramide (9642)

Proheptazine (9643)

Properidine (9644)

Propiram (9649)

Racemoramide (9645)

**Thiofentanyl (N-phenyl-**

**N-[1-(2-thienyl)ethyl-4-piperidinyl] -propanamide (9835)**

Tilidine (9750)

Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)

Acetyldihydrocodeine (9051)

Benzylmorphine (9052)

Codeine methylbromide (9070)

Codeine-N-Oxide (9053)

Cyprenorphine (9054)

Desomorphine (9055)

Dihydromorphine (9145)

Drotebanol (9335)

Etorphine (except hydrochloride salt) (9056)

Heroin (9200)

Hydromorphanol (9301)

Methyldesorphine (9302)

Methyldihydromorphine (9304)

Morphine methylbromide (9305)

Morphine methylsulfonate (9306)

Morphine-N-Oxide (9307)

Myrophine (9308)

Nicocodeine (9309)

Nicomorphine (9312)

Normorphine (9313)

Pholcodine (9314)

Thebacon (9315)

(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

**(1) Alpha-ethyltryptamine (7245). Some trade or other names: etryptamine; Monase;**

**[alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.**

~~(2)~~ **(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.**

**(3) 4-Bromo-2,5-dimethoxyphenethylamine (7392). Some trade or other names: 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.**

~~(4)~~ **(4) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.**

**(5) 2,5-dimethoxy-4-ethylamphet-amine (7399). Some trade or other names: DOET.**

**(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7) (7348).**

~~(7)~~ **(7) 4-Methoxyamphetamine (7411). Some trade or other**

names: 4-Methoxy- $\alpha$ -methylphenethylamine;  
Paramethoxyamphetamine; PMA.

~~(4)~~ **(8)** 5-methoxy-3, 4-methylenedioxy amphetamine (7401).  
Other Name: MDMA.

~~(5)~~ **(9)** 4-methyl-2, 5-dimethoxyamphetamine (7395). Some  
trade and other names: 4-methyl-2,  
5-dimethoxy- $\alpha$ -methylphenethylamine; DOM; and STP.

~~(6)~~ **(10)** 3, 4-methylenedioxy amphetamine (7400). Other  
name: MDA.

~~(7)~~ **(11)** 3, 4-methylenedioxymethamphetamine (MDMA)  
(7405).

**(12)** 3,4-methylenedioxy-N-ethylamphetamine (7404) (also  
known as N-ethyl- $\alpha$ -methyl-3,4(methylenedioxy)  
phenethylamine, N-ethyl MDA, MDE, MDEA.

**(13)** N-hydroxy-3,4-methylenedioxyamphetamine (7402)  
(also known as

**N-hydroxy- $\alpha$ -methyl-3,4(methylenedioxy)  
phenethylamine, and N-hydroxy MDA.**

~~(8)~~ **(14)** 3, 4, 5-trimethoxy amphetamine (7390). Other name:  
TMA.

**(15)** Alpha-methyltryptamine (7432) (other name: AMT).

~~(9)~~ **(16)** Bufotenine (7433). Some trade and other names:  
3-(B-Dimethylaminoethyl)-5-hydroxyindole;  
3-(2-dimethylaminomethyl)-5-indolol; N,  
N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine;  
mappine.

~~(10)~~ **(17)** Dimethyltryptamine (7434). Some trade or other  
names: N, N-Diethyltryptamine; DET.

~~(11)~~ **(18)** Diethyltryptamine (7435). Some trade or other  
names: DMT.

**(19)** 5-methoxy-N,N-diisopropyltryptamine (7439) (other  
name: 5-MeO-DIPT).

~~(12)~~ **(20)** Ibogaine (7260). Some trade and other names:  
7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,  
9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole;  
tabernanthe iboga.

~~(13)~~ **(21)** Lysergic acid diethylamide (7315). Other name:  
LSD.

~~(14)~~ **(22)** Marijuana (7360).

~~(15)~~ **(23)** Mescaline (7381).

~~(16)~~ **(24)** Parahexyl (7374). Some trade or other names:  
3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.

~~(17)~~ **(25)** Peyote (7415), including:

(A) all parts of the plant that are classified botanically as  
lophophora williamsii lemaire, whether growing or not;

(B) the seeds thereof;

(C) any extract from any part of the plant; and

(D) every compound, manufacture, salt, derivative,  
mixture, or preparation of the plant, its seeds, or extracts.

~~(18)~~ **(26)** N-ethyl-3-piperidyl benzilate (7482). Other name:  
DMZ.

~~(19)~~ **(27)** N-methyl-3-piperidyl benzilate (7484). Other name:  
LBJ.

~~(20)~~ **(28)** Psilocybin (7437).

~~(21)~~ **(29)** Psilocyn (7438).

~~(22)~~ **(30)** Tetrahydrocannabinols (7370), including synthetic

equivalents of the substances contained in the plant, or in the  
resinous extractives of Cannabis, sp. and synthetic substances,  
derivatives, and their isomers with similar chemical structure  
and pharmacological activity such as:

(A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical  
isomers;

(B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical  
isomers; and

(C)  $\pi^3_4$  cis or trans tetrahydrocannabinol, and their optical  
isomers.

Since nomenclature of these substances is not internationally  
standardized, compounds of these structures, regardless of  
numerical designation of atomic positions are covered. Other  
name: THC.

~~(23)~~ **(31)** Ethylamine analog of phencyclidine (7455). Some  
trade or other names: N-Ethyl-1-phenylcyclohexylamine;  
(1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
ethylamine; cyclohexamine; PCE.

~~(24)~~ **(32)** Pyrrolidine analog of phencyclidine (7458). Some  
trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;  
PCP; PHP.

~~(25)~~ **(33)** Thiophene analog of phencyclidine (7470). Some  
trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine;  
2-Thienyl Analog of Phencyclidine; TCP.

**(34)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Some  
other names: TCPy.

(e) Depressants. Unless specifically excepted in a rule adopted  
by the board or unless listed in another schedule, any material,  
compound, mixture, or preparation which contains any quantity of  
the following substances having a depressant effect on the central  
nervous system, including its salts, isomers, and salts of isomers  
whenever the existence of such salts, isomers, and salts of isomers  
is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB;  
gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium  
oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in  
another schedule, any material, compound, mixture, or preparation  
that contains any quantity of the following substances having a  
stimulant effect on the central nervous system, including its salts,  
isomers, and salts of isomers:

**Aminorex (Some other names: aminoxaphen;**

**2-amino-5-phenyl-2-oxazoline; or**

**4,5-dihydro-5-phenyl-2-1585 oxazolamine) (1585)**

**N-Benzylpiperazine (some other names: BZP,  
1-benzylpiperazine) (7493)**

**Cathinone (Some trade or other names:**

**2-amino-1-phenyl-1-propanone,**

**$\alpha$ -aminopropiophenone, 2-aminopropiophenone, and  
norephedrone) (1235)**

Fenethylamine (1503)

**([+/-])cis-4-methylaminorex**

**([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)  
(1590)**

N-ethylamphetamine (1475)

Methcathinone (1237) (Some other trade names:

2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
Monomethylpropion; UR 1431.

**N,N-dimethylamphetamine (also known as**

**N,N-alpha-trimethyl-benzeneethanamine;**

**N,N-alpha-trimethylphenethylamine) (1480)**

SECTION 85. IC 35-48-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The controlled substances listed in this section are included in schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts but including:

(A) raw opium (9600);

(B) opium extracts (9610);

(C) opium fluid extracts (9620);

(D) powdered opium (9639);

(E) granulated opium (9640);

(F) tincture of opium (9630);

(G) codeine (9050);

**(H) dihydroetorphine (9334);**

~~(H)~~ **(I) ethylmorphine (9190);**

~~(I)~~ **(J) etorphine hydrochloride (9059);**

~~(J)~~ **(K) hydrocodone (9193);**

~~(K)~~ **(L) hydromorphone (9150);**

~~(L)~~ **(M) metopon (9260);**

~~(M)~~ **(N) morphine (9300);**

~~(N)~~ **(O) oxycodone (9143);**

~~(O)~~ **(P) oxymorphone (9652); and**

~~(P)~~ **(Q) thebaine (9333).**

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Cocaine (9041).

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Alfentanil (9737)

Alphaprodine (9010)

Anileridine (9020)

Bezitramide (9800)

Bulk dextropropoxyphene (nondosage forms) (9273)

**Carfentanil (9743)**

Dihydrocodeine (9120)

Diphenoxylate (9170)

Fentanyl (9801)

Isomethadone (9226)

**Levo-alphaacetyl methadol [Some other names: levo-alpha-acetyl methadol, levomethadyl acetate, LAAM] (9648)**

Levomethorphan (9210)

Levorphanol (9220)

Metazocine (9240)

Methadone (9250)

Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4, 4-diphenyl butane (9254)

Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid (9802)

Pethidine (Meperidine) (9230)

Pethidine-Intermediate- A,

4-cyano-1-methyl-4-phenylpiperidine (9232)

Pethidine-Intermediate-B,

ethyl-4-phenylpiperidine-4-carboxylate (9233)

Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid (9234)

Phenazodine (9715)

Piminodine (9730)

Racemethorphan (9732)

Racemorphan (9733)

**Remifentanil (9739)**

Sufentanil (9740)

(d) Stimulants. Any material compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).

(2) Methamphetamine, including its salts, isomers, and salts of its isomers (1105).

(3) Phenmetrazine and its salts (1631).

(4) Methylphenidate (1724).

(e) Depressants. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital (2125)

~~Gamma hydroxybutyrate~~

**Glutethimide (2550)**

Pentobarbital (2270)

Phencyclidine (7471)

Secobarbital (2315)

(f) Immediate precursors. Unless specifically excepted by rule of the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone (8501). Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine (7460); or

(B) 1-piperidinocyclohexanecarbonitrile (PCC) (8603).

(g) Hallucinogenic substances:

~~Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product (7369).~~

**Nabilone (7379). Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro- 1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one]**

SECTION 86. IC 35-48-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The controlled substances listed in this section are included in schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on April 1, 1986, as excepted compounds under 21 CFR 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances (1405).

(2) Benzphetamine (1228).

(3) Chlorphentermine (1645).

(4) Clortermine (1647).

(5) Phendimetrazine (1615).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(A) amobarbital ~~(2125);~~ **(2126);**

(B) secobarbital ~~(2315);~~ **(2316);**

(C) pentobarbital ~~(2270);~~ **(2271);** or

(D) any of their salts;

and one (1) or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(A) amobarbital ~~(2125);~~ **(2126);**

(B) secobarbital ~~(2315);~~ **(2316);**

(C) pentobarbital ~~(2270);~~ **(2271);** or

(D) any of their salts;

and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof (2100).

(4) Chlorhexadol (2510).

~~(5) Glutethimide (2550);~~

**(5) Embutramide (2020).**

(6) Lysergic acid (7300).

(7) Lysergic acid amide (7310).

(8) Methypylon (2575).

(9) Sulfondiethylmethane (2600).

(10) Sulfonethylmethane (2605).

(11) Sulfonmethane (2610).

(12) A combination product containing tiletamine and zolazepam (Telazol) (7295).

**(13) Ketamine, its salts, isomers, and salts of isomers (7285) [Some other names for ketamine:**

**([+/-])-2-(2-chlorophenyl)**

**-2-(methylamine)-cyclohexanone].**

~~(13)~~ **(14)** Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. (2012).

(d) Nalorphine (a narcotic drug) (9400).

(e) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium (9803).

(2) Not more than 1.8 grams of codeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9804).

(3) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium (9805).

(4) Not more than 300 milligrams of dihydrocodeinone, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9806).

(5) Not more than 1.8 grams of dihydrocodeine, per 100 milliliters or not more than 90 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9807).

(6) Not more than 300 milligrams of ethylmorphine, per 100 milliliters or not more than 15 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9808).

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts (9809).

(8) Not more than 50 milligrams of morphine, per 100 milliliters or per 100 grams with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts (9810).

**(9) Any material, compound, mixture, or preparation containing Buprenorphine (9064).**

(f) Anabolic steroid (as defined in 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)).

(g) The board shall except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) through (e) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(h) Any material, compound, mixture, or preparation which contains any quantity of Ketamine.

SECTION 87. IC 35-48-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The controlled substances listed in this section are included in schedule IV.

(b) Narcotic drugs. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1 milligram of difenoxin (~~9618~~) and not less than 25 micrograms of atropine sulfate per dosage unit **(9617)**.

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane (~~9273~~); **(9278)**.

(c) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Alprazolam (2882).  
Barbital (2145).  
Bromazepam (2748).  
Camazepam (2749).  
Carisoprodol.  
Chloral betaine (2460).  
Chloral hydrate (2465).  
Chlordiazepoxide (2744).  
Clobazam (2751).  
Clonazepam (2737).  
Clorazepate (2768).  
Clotiazepam (2752).  
Cloxazolam (2753).  
Delorazepam (2754).  
Diazepam (2765).  
**Dichloralphenazone (2467)**.  
Estazolam (2756).  
Ethchlorvynol (2540).  
Ethinamate (2545).  
Ethyl loflazepate (2758).  
Fludiazepam (2759).  
Flunitrazepam (2763).  
Flurazepam (2767).  
Halazepam (2762).  
Haloxazolam (2771).

Ketazolam (2772).  
Loprazolam (2773).  
Lorazepam (2885).  
Lormetazepam (2774).  
Mebutamate (2800).  
Medazepam (2836).  
Meprobamate (2820).  
Methohexital (2264).  
Methylphenobarbital (mephobarbital) (2250).  
Midazolam (2884).  
Nimetazepam (2837).  
Nitrazepam (2834).  
Nordiazepam (2838).  
Oxazepam (2835).  
Oxazolam (2839).  
Paraldehyde (2585).  
Petrichloral (2591).  
Phenobarbital (2285).  
Pinazepam (2883).  
Prazepam (2764).  
Quazepam (2881).  
Temazepam (2925).  
Tetrazepam (2886).  
Triazolam (2887).  
**Zaleplon (2781)**.  
Zolpidem (Ambien) (2783).  
**Zopiclone (2784)**.

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

**(1) Fenfluramine (1670).**

(e) Stimulants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

**(1) Cathine ((+)-norpseudoephedrine) (1230).**

~~(1)~~ **(2) Diethylpropion (~~1608~~); (1610).**

**(3) Fencamfamin (1760).**

**(4) Fenproporex (1575).**

~~(2)~~ **(5) Mazindol (1605).**

**(6) Mefenorex (1580).**

**(7) Modafinil (1680).**

~~(3)~~ **(8) Phentermine (1640).**

~~(4)~~ **(9) Pemoline (including organometallic complexes and chelates thereof) (1530).**

~~(5)~~ **(10) Pipradrol (1750).**

**(11) Sibutramine (1675).**

~~(6)~~ **(12) SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).**

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances

including its salts:

(1) Pentazocine (9709).

**(2) Butorphanol (including its optical isomers) (9720).**

(g) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b), (c), (d), (e), or (f) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 88. IC 35-48-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The controlled substances listed in this section are included in schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following quantities, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than 0.5 milligrams of difenoxin (9168), and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c) Buprenorphine (9064).~~

**(c) Stimulants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:**

**(1) Pyrovalerone (1485).**

**(d) Depressants. Unless specifically exempted, excluded, or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including salts:**

**(1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] (2782).**

SECTION 89. IC 35-48-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~Denial, Revocation, and Suspension of Registration:~~ (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding by the advisory committee that the applicant or registrant:

(1) has furnished false or fraudulent material information in any application filed under this article;

(2) has violated any state or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

**(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.**

**(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.**

SECTION 90. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16.

SECTION 91. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 25-35.6-1-2 apply throughout this SECTION.

(b) Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional licensing agency shall issue a license in speech-language pathology as follows:

**(1) To each individual who applies for licensure and meets all the following qualifications:**

**(A) Holds a license in speech and hearing therapy issued by the division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this SECTION).**

**(B) Has a master's degree in speech-language pathology or a related discipline.**

**(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.**

**(2) To each individual who applies for licensure and meets all the following qualifications:**

**(A) Holds a life license in speech-language pathology issued by the division of professional standards.**

**(B) Has:**

**(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or**

**(ii) taken at least thirty-six (36) hours of continuing education approved by the division of professional standards or the Indiana professional licensing agency after December 31, 2004, and before December 31, 2010.**

**(c) This SECTION expires July 1, 2010."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1821 as reprinted April 10, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1012

Senator Delph called up Engrossed House Bill 1012 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1042

Senator Delph called up Engrossed House Bill 1042 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1623

Senator Delph called up Engrossed House Bill 1623 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1566

Senator Ford called up Engrossed House Bill 1566 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1566-1)

Madam President: I move that Engrossed House Bill 1566 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-13-16.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. ~~As used~~ **(a) The definitions in this section apply throughout** this chapter.

**(b) "Commission"** refers to the governor's commission on minority and women's business enterprises established under section 2 of this chapter.

**(c) "Commissioner"** refers to the deputy commissioner for minority and women's business enterprises of the department.

**(d) "Contract"** means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

**(e) "Department"** refers to the Indiana department of administration established by IC 4-13-1-2.

**(f) "Minority business enterprise" or "minority business"** means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(1) United States citizens; and

(2) members of a minority group.

**(g) "Owned and controlled"** means having:

(1) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;

(2) control over the management and active in the day-to-day operations of the business; and

(3) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

**(h) "Minority group"** means:

(1) Blacks;

(2) American Indians;

(3) Hispanics;

(4) Asian Americans; and

(5) other similar minority groups. ~~as defined by IC 24-1-3.~~

**(i) "Separate body corporate and politic"** refers to an entity established by the general assembly as a body corporate and politic.

**(j) "State agency"** refers to any authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

**(k) "State educational institution"** has the meaning set forth in IC 20-12-0.5-1."

Page 2, delete lines 1 through 36.

(Reference is to EHB 1566 as printed March 27, 2007.)

FORD

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1568

Senator Merritt called up Engrossed House Bill 1568 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1568-3)

Madam President: I move that Engrossed House Bill 1568 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 30. A candidate for the office of **small claims judge of a small claims court (as defined in IC 33-33-49-5.2)** must:

(1) be a United States citizen upon taking office;

(2) either:

- (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
- (B) have been elected as a small claims court judge in the township before 1999;

(3) be of high moral character and reputation; and

(4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

SECTION 2. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 31. A candidate for the office of **small claims** constable ~~of a small claims court~~ must:

- (1) have resided in the township for more than one (1) year upon taking office; and
- (2) be at least twenty-one (21) years old upon taking office.

SECTION 3. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:

(A) judge of a circuit, superior, probate, ~~or county or small claims~~ court; or

(B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.164-2006, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

#### OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- ☐ (1) AB \_\_\_\_\_
- ☐ (2) CD \_\_\_\_\_
- ☐ (3) EF \_\_\_\_\_
- ☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
  - (A) President of the United States.
  - (B) United States Senator.
  - (C) Governor.
  - (D) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Circuit court clerk.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor.
- (B) Township trustee.
- (C) Township board member.
- (D) **Small claims** judge. ~~of the small claims court.~~
- (E) **Small claims** constable. ~~of the small claims court.~~

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;



(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 5. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner.

(10) County council member.

(11) Township trustee.

(12) Township board member.

(13) Township assessor.

(14) **Small claims** judge. ~~of a small claims court.~~

(15) **Small claims** constable. ~~of a small claims court.~~

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor.

(B) Township trustee.

(C) Township board member.

(D) **Small claims** judge. ~~of the small claims court.~~

(E) **Small claims** constable. ~~of the small claims court.~~

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 7. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims** court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a

local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 8. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims court** or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 9. IC 3-13-10-5, AS AMENDED BY P.L.119-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) This section applies to a vacancy in the office of **small claims judge of a small claims court** or small claims ~~court~~ constable not covered by section 1 of this chapter.

(b) A vacancy **in the office of small claims judge** shall be filled ~~by the township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:~~

~~(1) be in writing;~~

~~(2) state the purpose of the meeting;~~

~~(3) state the date, time, and place of the meeting; and~~

~~(4) be sent by first class mail to each board member at least ten (10) days before the meeting.~~

~~(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives~~

~~notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6; by the governor.~~

~~(c) A vacancy in the office of small claims constable shall be filled by the governor.~~

~~(d) A person who is appointed holds office for the remainder of the unexpired term.~~

SECTION 10. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and **small claims constables, of a small claims court**, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 11. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge **or small claims judge** of a circuit, city, county, probate, superior, **or town or township small claims court**.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 12. IC 6-1.1-17-3, AS AMENDED BY P.L.162-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) **Except as provided in subsection (f),** the trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

**(f) This subsection applies only to a consolidated township established under IC 36-6-1.1 for taxes first due and payable after 2010. The health and hospital corporation established under IC 16-22-8 shall estimate the amount necessary to meet the cost of township assistance in the consolidated township for the ensuing calendar year. The city-county legislative body shall:**

**(1) review the tax levy for the health and hospital corporation as provided in IC 36-3-6-9(e); and**

**(2) adopt a tax levy for the health and hospital corporation sufficient to meet the estimated cost of township assistance.**

**The taxes collected as a result of the tax levy adopted under this subsection are credited to the health and hospital corporation.**

**(f) (g)** A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 13. IC 8-1.5-5-32, AS AMENDED BY P.L.154-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

- (1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.
- (2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city **for stormwater projects benefiting the municipality that have been constructed or are under construction in the municipality**, the municipality is liable for and shall pay **the net present value of** that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the municipality is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

- (1) shall be deposited by the municipality in a dedicated fund; and
- (2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 14. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) If the:

- (1) legislative body of the consolidated city and the governing body of the airport authority ~~may~~ adopt substantially similar ordinances providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city **under IC 36-3-1-6.1** and that the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~if ordinances are adopted under this section; and~~
- (2) **executive of the consolidated city approves the ordinance adopted by the legislative body of the consolidated city;**

the consolidation shall take effect on the date ~~agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances; set forth in the ordinance.~~

(c) The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances **under IC 36-3-1-5.1** providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city **created by IC 36-3-1-5.1**, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.

SECTION 15. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) This section does not apply to a township that consolidated under IC 36-6-1.1.**

(b) A township trustee may receive as public property a monument or memorial built:

- (1) in the township;
- (2) in honor of the township's soldiers or marines; and
- (3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township.

SECTION 16. IC 12-7-2-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 43.5. "Corporation", for purposes of IC 12-20 and IC 12-30-4, means the health and hospital corporation established under IC 16-22-8.**

SECTION 17. IC 12-7-2-192.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 192.6. "Township", for purposes of IC 12-20 and IC 12-30-4, means the following:**

- (1) A township in a county not having a consolidated city.
- (2) A township in a county having a consolidated city that does not consolidate under IC 36-6-1.1.

- (3) A consolidated township established under IC 36-6-1.1.

SECTION 18. IC 12-7-2-192.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 192.8 "Township trustee" or "trustee", for purposes of IC 12-20 and IC 12-30-4, means the following:**

- (1) A trustee for a township in a county not having a consolidated city.
- (2) A trustee for township in a county having a consolidated city that does not consolidate under IC 36-6-1.1.
- (3) The health and hospital corporation established under IC 16-22-8 for a consolidated township established under IC 36-6-1.1.

SECTION 19. IC 12-15-18-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) Except as provided in subsection (b), for state fiscal years ending on or after June 30, 1998, the trustees and each municipal health and hospital corporation established under IC 16-22-8-6 are authorized to make intergovernmental transfers to the Medicaid indigent care trust fund in amounts to be determined jointly by the office and the trustees, and the office and each municipal health and hospital corporation.**

**(b) This subsection applies only to a consolidated township established under IC 36-6-1.1. A municipal health and hospital corporation established under IC 16-22-8-6 is authorized to make intergovernmental transfers to the Medicaid indigent care trust fund in amounts to be determined jointly by the office and the municipal health and hospital corporation.**

**(c)** The treasurer of state shall annually transfer from appropriations made for the division of mental health and addiction sufficient money to provide the state's share of payments under IC 12-15-16-6(c)(2).

**(d) Except as provided in subsection (e), the office shall coordinate the transfers from the trustees and each municipal health and hospital corporation established under IC 16-22-8-6 so that the aggregate intergovernmental transfers, when combined with federal matching funds:**

- (1) produce payments to each hospital licensed under IC 16-21 that qualifies as a disproportionate share provider under IC 12-15-16-1(a); and
- (2) both individually and in the aggregate do not exceed limits prescribed by the federal Centers for Medicare and Medicaid Services.

The trustees and a municipal health and hospital corporation are not required to make intergovernmental transfers under this section. The trustees and a municipal health and hospital corporation may make additional transfers to the Medicaid indigent care trust fund to the extent necessary to make additional payments from the Medicaid indigent care trust fund apply to a prior federal fiscal year as provided in IC 12-15-19-1(b).

**(e) This subsection applies only to a consolidated township established under IC 36-6-1.1. The office shall coordinate the transfers from the municipal health and hospital corporation established under IC 16-22-8-6 so that the aggregate intergovernmental transfers, when combined with federal matching funds:**

- (1) produce payments to each hospital licensed under IC 16-21 that qualifies as a disproportionate share provider under IC 12-15-16-1(a); and
- (2) both individually and in the aggregate do not exceed limits prescribed by the federal Centers for Medicare and Medicaid Services.

The municipal health and hospital corporation is not required to make intergovernmental transfers under this section. The municipal health and hospital corporation may make additional transfers to the Medicaid indigent care trust fund to the extent necessary to make additional payments from the Medicaid indigent care trust fund apply to a prior federal fiscal year as provided in IC 12-15-19-1(b).

**(f)** A municipal disproportionate share provider (as defined in IC 12-15-16-1) shall transfer to the Medicaid indigent care trust fund an amount determined jointly by the office and the municipal disproportionate share provider. A municipal disproportionate share provider is not required to make intergovernmental transfers under this section. A municipal disproportionate share provider may make additional transfers to the Medicaid indigent care trust fund to the extent necessary to make additional payments from the Medicaid indigent care trust fund apply to a prior federal fiscal year as provided in IC 12-15-19-1(b).

**(g)** A county making a payment under:

- (1) IC 12-29-1-7(b) before January 1, 2004; or
- (2) IC 12-29-2-20(c) after December 31, 2003;

or from other county sources to a community mental health center qualifying as a community mental health center disproportionate share provider shall certify that the payment represents expenditures that are eligible for federal financial participation under 42 U.S.C. 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in making this certification.

SECTION 20. IC 12-20-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 2. The governor may not do any of the following:**

- (1) Hold a hearing in reference to a township trustee's or corporation's official duties.
- (2) Remove a township trustee from office.
- (3) Declare the office of a township trustee vacant.

SECTION 21. IC 12-20-3-3, AS AMENDED BY P.L.73-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. **(a) This section does not apply to a consolidated township established under IC 36-6-1.1.**

~~(a)~~ **(b)** If a township trustee, who serves as administrator of township assistance, is removed from office, resigns, or in any other way vacates the office of township trustee, the township trustee shall immediately deliver all books, papers, and other materials concerning the office to the trustee's successor upon the successor's appointment.

~~(b)~~ **(c)** If a township trustee, who serves as administrator of township assistance, dies, the township trustee's executors or administrators shall, not more than forty (40) days after the trustee's death, deliver all materials belonging to the township trustee's office to the trustee's successor in office.

SECTION 22. IC 12-20-4-3, AS AMENDED BY P.L.73-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall determine the number of township assistance supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer township assistance.

(b) **Except as provided in subsection (c),** the pay of township assistance supervisors, investigators, assistants, and other necessary employees shall be fixed by the township trustee subject only to the total budgetary appropriation for personnel services for the administration of township assistance approved by the township board.

**(c) This subsection applies only to a consolidated township established under IC 36-6-1.1. The corporation shall determine the number of township assistance supervisors, investigators, or other necessary employees that are to be employed by the corporation to administer township assistance. The pay of township assistance supervisors, investigators, assistants, and other necessary employees shall be fixed by the corporation in accordance with the budget procedures of the corporation under IC 16-22-8.**

~~(c)~~ **(d)** A township assistance supervisor, investigator, assistant, or other necessary employee who uses an automobile in the performance of the employee's work is entitled to the same mileage paid to state officers and employees.

SECTION 23. IC 12-20-4-5, AS AMENDED BY P.L.73-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) The number of supervisors of township assistance investigators may not exceed one (1) supervisor for the first four (4) township assistance investigators. If there are more than four (4) township assistance investigators, the township trustee may employ one (1) additional supervisor for each twelve (12) township assistance investigators or major fraction of that number.

(b) **Except as provided in subsection (c),** the pay for supervisors of township assistance investigators shall be fixed in the manner provided by law for other township salaries.

**(c) This subsection applies only to a consolidated township established under IC 36-6-1.1. The pay for supervisors of township assistance investigators shall be fixed in a manner provided under IC 16-22-8 for other salaries.**

SECTION 24. IC 12-20-4-7, AS AMENDED BY P.L.73-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. **(a) This subsection does not apply to a consolidated township established under IC 36-6-1.1.**

~~(a)~~ **(b)** Two (2) or more townships in the same county may jointly employ an investigator to investigate township assistance applicants and recipients.

~~(b)~~ **(c)** Payment for investigations conducted under this section shall be made on the basis of the number of cases handled for each township in the same manner and at the same rate as otherwise provided for the payment of investigators under this chapter.

SECTION 25. IC 12-20-4-11, AS AMENDED BY P.L.73-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 11. (a) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid only for the number of days the employee is actually engaged in employment during each month.

(b) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid at the rate established by the township trustee. ~~from an appropriation by the township board with~~ **The trustee of a township that does not consolidate under IC 36-6-1.1 shall establish the rate from an appropriation by the township board. A rate established by the trustee or the corporation may not include a deduction for legal holidays.**

(c) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid out of the same money as claims for township assistance are paid. Claims for pay are payable upon presentation of a sworn claim itemizing each day for which pay is requested. Claims are to be made and filed in the same manner as other claims for township assistance expenditures are payable, at least once each month.

(d) Each township assistance chief deputy, investigator, supervisor, assistant, or other necessary employee may be granted paid vacation leave or sick leave under IC 5-10-6-1.

**(e) This subsection does not apply to a consolidated township.** The township trustee of a township having a population of at least ten thousand (10,000) may appoint a chief deputy. A chief deputy may be paid from any township funds.

SECTION 26. IC 12-20-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The:

**(1) township trustee may, with the approval of the township board; or**

**(2) corporation, with the approval of the city-county legislative body, may;**

employ personnel to supervise rehabilitation, training, retraining, and work programs as provided in IC 12-20-13.

SECTION 27. IC 12-20-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3.5. The corporation is the administrator of township assistance for a consolidated township established under IC 36-6-1.1.**

SECTION 28. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race,

creed, nationality, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of township assistance and the processing of applications must be:

- (1) governed by the requirements of this article;
- (2) **except as provided in subdivision (3),** proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;
- (3) in the case of a consolidated township established under IC 36-6-1.1, adopted by the corporation and filed with the board of county commissioners;**
- ~~(3)~~ **(4)** reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;
- ~~(4)~~ **(5)** published in a single written document, including addenda attached to the document; and
- ~~(5)~~ **(6)** posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

SECTION 29. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall ensure adequate access to township assistance services, including a published telephone number in the name of the township, **in the case of a township trustee, or in the name of the corporation in the case of a consolidated township established under IC 36-6-1.1.**

(b) **Except as provided in subsection (c),** a township assistance office, if separate from the township trustee's residence, must be designated by a clearly visible sign that lists the:

- (1) township trustee's name;
- (2) availability of township assistance; and
- (3) township assistance office's telephone number.

The sign must conform to all local zoning and signage restrictions.

**(c) This subsection applies only to a consolidated township established under IC 36-6-1.1. A township assistance office shall be designated by a clearly visible sign that lists the:**

- (1) name of the division director of the corporation;**
- (2) availability of township assistance; and**
- (3) township assistance office's telephone number.**

**The sign must conform to all local zoning and signage restrictions.**

SECTION 30. IC 12-20-7-6, AS AMENDED BY P.L.145-2006, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. A:

- (1) township trustee or an assistant of a township trustee;**
- (2) director, an officer, or an employee of the corporation;**
- or
- (3) director or an employee or a director of the division of family resources, the office of Medicaid policy and planning, and county offices;**

who knowingly discloses or uses information that is obtained through the use of a consent form described in section 1 of this chapter, except as authorized by this chapter, commits a Class A misdemeanor.

SECTION 31. IC 12-20-13-1, AS AMENDED BY P.L.73-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. A township trustee may,

with the approval of the township board, **or a corporation may, with the approval of the city-county legislative body,** do the following:

- (1) Conduct the following for township assistance recipients in the township, **in the case of a trustee, or a consolidated township established under IC 36-6-1.1, in the case of a corporation:**
  - (A) Rehabilitation programs.
  - (B) Training programs.
  - (C) Retraining programs.
  - (D) Work programs.
- (2) Employ personnel to supervise the programs.
- (3) Pay the costs of the programs from township assistance money.

SECTION 32. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee **of a township that is not consolidated under IC 36-6-1.1.**
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~ **16 U.S.C. 470w-3** and ~~16 U.S.C. 470(h)(1)~~ **16 U.S.C. 470hh.**

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 33. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.5. (a) This section applies only to a township that is consolidated under IC 36-6-1.1.**

**(b) The duties of a township trustee under this chapter are transferred to the health and hospital corporation established under IC 16-22-8.**

SECTION 34. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1. (a) As used in this chapter, "corporation" means the health and hospital corporation established under IC 16-22-8.**

~~(a)~~ **(b)** As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumin (*sorghum halrhense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

**(d) As used in this chapter, "fund" means:**

**(1) the township fund for a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the appropriate fund of the corporation for a township that consolidated under IC 36-6-1.1.**

**(e) As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation for a township that consolidated under IC 36-6-1.1.**

~~(c)~~ **(f)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 35. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.**

**(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in the a township that comprises all or a part of the township trustee's jurisdiction that have not been destroyed as described in section 1 of this chapter, the trustee of the township in which the real estate is located township trustee shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in**

section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

**(c)** If the county has established a county weed control board under IC 15-3-4.6, the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

**(d)** Notice required in subsection (a) or (b) may be given:

**(1) by mail, using certified mail; or**

**(2) by personal service.**

**(e)** Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

**(1) if sent by mail, on the earlier of:**

**(A) the date of signature of receipt of the mailing; or**

**(B) three (3) business days after the date of mailing; or**

**(2) if served personally, on the date of delivery.**

SECTION 36. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.**

**(b)** In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

**(c)** When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of with the trustee, of the township;~~ and when the bill has been approved the trustee shall pay the bill out of the ~~township~~ fund. The trustee of the township shall certify the cost or expense of the work and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

**(d)** The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

**(e)** If the owner or person in possession of the property does not



pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is consolidated under IC 36-6-1.1, the office of the city controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ **trustee's township funds fund** for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township fund~~ **a the township fund** for that purpose, ~~the township board~~ upon finding an emergency exists:

**(1) the township legislative body shall act under IC 36-6-14(b) or IC 36-6-15, in the case of a township:**

**(A) in a county not having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation shall act under IC 16-22-8, in the case of a township that consolidated under IC 36-6-1.1;**

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ **township board legislative body** for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 37. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township consolidated under IC 36-6-1.1, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, or townships, **or for the corporation** the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township fund~~.

SECTION 38. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A person who:

(1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;

(2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;

(3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or

(5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ **trustee's township funds fund** for use at the discretion of the trustee.

SECTION 39. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustee** to comply with this chapter.

SECTION 40. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 41. IC 15-3-4-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

**(A) In a county not having a consolidated city, a township trustee of a township in the county.**

**(B) In a county having a consolidated city, the director of the corporation that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.**

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are not entitled to receive any compensation, but are entitled

to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 42. IC 16-18-2-80 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 80. "Corporation", for purposes of IC 16-22-8, **IC 16-41-19**, IC 16-42-5, and IC 16-42-5.2, means the health and hospital corporation created under IC 16-22-8.

SECTION 43. IC 16-41-19-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.5. As used in this chapter, "consolidated township" means a consolidated township established under IC 36-6-1.1.**

SECTION 44. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) Except as provided in subsection (b), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

- (1) the appropriate county, city, or town against which the application form is issued from general funds; and
- (2) the appropriate township **or corporation, in the case of a consolidated township** against which the application form is issued from funds in the township assistance fund;

not otherwise appropriated without appropriations.

(b) A township **or the corporation, in the case of a consolidated township**, is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee, **in the case of a township, or the corporation in the case of a consolidated township**, has evidence that the individual has the financial ability to pay for the biologicals.

(c) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee, **in the case of a township, or corporation, in the case of a consolidated township**, may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee, **in the case of a township, or corporation, in the case of a consolidated township**, shall immediately notify the individual's physician that:

- (1) the financial ability of the individual claiming to be indigent is in question; and
- (2) a standard application for township assistance must be filed with the township **or corporation**.

The township **or corporation** shall continue to furnish insulin under this section until the township trustee, **in the case of a township, or corporation in the case of a consolidated township**, completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(d) For purposes of this section, the township **or corporation** shall consider an adult individual needing insulin as an individual

and not as a member of a household requesting township assistance.

SECTION 45. IC 16-22-8-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.5. As used in this chapter, "consolidated township" means a consolidated township established under IC 36-6-1.1.**

SECTION 46. IC 16-22-8-28, AS AMENDED BY P.L.184-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 28. (a) The board shall create the following:

- (1) A division of public health.
- (2) A division of public hospitals.
- (3) Other divisions the board considers necessary.

(b) The division of public health shall serve as the county health department with powers and duties conferred by law upon local departments of health.

(c) The division of public hospitals shall operate the corporation's hospitals, medical facilities, and mental health facilities.

**(d) The division of township assistance is established as a division of the corporation. The division of township assistance shall administer IC 12-20 and IC 12-30-4 with respect to the consolidated township.**

SECTION 47. IC 16-22-8-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. The director of the division of township assistance established under section 28 of this chapter shall administer township assistance under IC 12-20 and IC 12-30-4 for the consolidated township. The director shall supervise the division of township assistance under the jurisdiction of the corporation and perform the duties prescribed by the board.**

SECTION 48. IC 16-22-8-34, AS AMENDED BY P.L.88-2006, SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
  - (A) To protect property owned or managed by the corporation.
  - (B) To determine, prevent, and abate public health nuisances.
  - (C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.
  - (D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing,

storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the ~~animal's~~ **animals'** breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ resources.

(7) To determine the public health policies and programs to be carried out and administered by the corporation.

(8) To adopt an annual budget ordinance and levy taxes.

(9) To incur indebtedness in the name of the corporation.

(10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.

(11) To acquire and dispose of property.

(12) To receive *charitable contributions* and ~~make~~ gifts as provided in 26 U.S.C. 170.

(13) *To make charitable contributions and gifts.*

(14) *To establish a charitable foundation as provided in 26 U.S.C. 501.*

~~(13)~~ (15) To receive and distribute federal, state, local, or private grants.

*(16) To receive and distribute grants from charitable foundations.*

*(17) To establish nonprofit corporations to carry out the purposes of the corporation.*

~~(14)~~ (18) To erect buildings or structures or improvements to existing buildings or structures.

~~(15)~~ (19) To determine matters of policy regarding internal organization and operating procedures.

~~(16)~~ (20) To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

~~(17)~~ (21) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

~~(18)~~ (22) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.

~~(19)~~ (23) To purchase supplies, materials, and equipment for the corporation.

~~(20)~~ (24) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.

~~(21)~~ (25) To employ attorneys admitted to practice law in Indiana.

~~(22)~~ (26) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.

~~(23)~~ (27) To dispose of surplus property in accordance with a policy by the board.

~~(24)~~ (28) To determine the duties of officers and division directors.

~~(25)~~ (29) To fix the compensation of the officers and division directors.

~~(26)~~ (30) To carry out the purposes and object of the corporation.

~~(27)~~ (31) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

~~(28)~~ (32) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

**(33) To administer township assistance for the consolidated township.**

**(34) To provide and maintain cemeteries under IC 23-14 for the consolidated township.**

**(35) To destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4 for the consolidated township.**

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 49. IC 16-22-8-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 37. **(a) Except as provided in subsection (b), the powers, authority, and duties conferred on the corporation and the corporation's officers**

and employees under this chapter extend throughout the county and may extend outside the county on terms and conditions the board prescribes that are consistent with this chapter.

**(b) The powers, authority, and duties conferred on the corporation and the corporation's officers and employees under this chapter with regard to the powers under section 34(a)(33) through 34(a)(35) of this chapter extend throughout the consolidated township and may not extend outside the county.**

SECTION 50. IC 16-22-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 43. (a) The board may issue general obligation bonds of the corporation to procure funds to pay the cost of acquiring real property or constructing, enlarging, improving, remodeling, repairing, or equipping buildings and other structures for use as or in connection with hospitals, clinics, health centers, dispensaries, **the provision of township assistance**, or for administrative purposes. The issuance of the bonds shall be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation. The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the department of local government finance.
- (5) The right to remonstrate.
- (6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to the adjusted gross income tax.

SECTION 51. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. "Cemetery fund" means the:**

**(1) township fund for a township:**

- (A) in a county not having a consolidated city; or**
- (B) that did not consolidate under IC 36-6-1.1; or**

**(2) cemetery fund for a township that consolidated under IC 36-6-1.1.**

SECTION 52. IC 23-14-33-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.5. "Corporation" means the health and hospital corporation established under IC 16-22-8.**

SECTION 53. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. "Township" means:**

**(1) a township:**

- (A) in a county not having a consolidated city; or**
- (B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation for a township that consolidated under IC 36-6-1.1.**

SECTION 54. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.6. "Township trustee" or "trustee" means:**

**(1) a township trustee for a township:**

- (A) in a county not having a consolidated city; or**
- (B) that did not consolidate under IC 36-6-1.1; or**

**(2) the corporation for a township that consolidated under IC 36-6-1.1.**

SECTION 55. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 56. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The township shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations.

(b) The township may levy a ~~township~~ cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund **or other funds of the township** may be used.

SECTION 57. IC 23-14-69-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) If:

- (1) no land suitable for a public cemetery is donated to a township; and
- (2) if the township legislative body adopts a resolution approving the purchase;

the township ~~executive~~ may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used

as provided in section 6 of this chapter.

SECTION 58. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 59. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, if a township consolidated under IC 36-6-1.1, the duties and obligations of a township trustee under this chapter are the responsibility of the corporation.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state.** If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **corporation,** county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **corporation,** county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same

penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 60. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter, "township" means:**

**(1) a township:**

**(A) not in a county having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the consolidated city for a township that consolidated under IC 36-6-1.1.**

SECTION 61. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township:**

**(A) not in a county having a consolidated city; or**

**(B) that did not consolidate under IC 36-6-1.1; or**

**(2) the consolidated city for a township that consolidated under IC 36-6-1.1.**

SECTION 62. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

**(1) estimate the costs for building, rebuilding, or repairing the partition fence; and**

**(2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.**

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by

the farmers of the community.

(e) If the trustee ~~of a township~~ is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 1/2) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to act under this chapter.**

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 63. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, ~~or a circuit, superior, county, small claims, or probate court,~~ **or a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 64. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- (8) A county court.
- (9) A municipal court.
- (10) A city or town court.

~~(11) A small claims court.~~

(b) The term does not include a judge **or small claims judge (as defined in IC 33-33-49-5.2)** of any of the courts listed in subsection (a)(1) through ~~(a)(11):~~ **(a)(10).**

SECTION 65. IC 33-30-2-1, AS AMENDED BY P.L.237-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) A county court is established in the following counties:

- (1) Floyd County.
- (2) Madison County.

(b) However, a county court listed in subsection (a) is abolished if:

- (1) IC 33-33 provides a small claims docket of the circuit court; **or**
- (2) IC 33-33 provides a small claims docket of the superior court; **or**
- ~~(3) IC 33-34 provides a small claims court;~~

for the county in which the county court was established.

SECTION 66. IC 33-33-49-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) As used in this chapter, "judge" means a person elected under section 13 of this chapter.**

**(b) The term does not include a small claims judge.**

SECTION 67. IC 33-33-49-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.2. As used in this chapter, "small claims judge" means a person elected under:**

**(1) section 13.1 of this chapter; or**

**(2) IC 33-34-2-1 (before its repeal).**

SECTION 68. IC 33-33-49-6, AS AMENDED BY P.L.80-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) There is established a superior court in Marion County. The court consists of:**

**(1) thirty-five (35) superior court judges beginning January 1, 2007, and ending December 31, 2008; and**

**(2) thirty-six (36) superior court judges beginning January 1, 2009.**

**The court also consists of nine (9) small claims judges beginning January 1, 2011.**

**(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:**

**(1) a resident of Marion County; and**

**(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.**

**(c) To be qualified to serve as a small claims judge, a person must meet the qualifications described in IC 3-8-1-30.**

**(d) During the term of office:**

**(1) a judge of the court must remain a resident of Marion County; and**

**(2) a small claims judge must remain a resident of:**

**(A) Marion County; and**

**(B) the township from which the small claims judge was elected.**

SECTION 69. IC 33-33-49-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 9. (a) Except as provided in subsection (b), the court has the following jurisdiction:**

**(1) Concurrent and coextensive jurisdiction with the Marion circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.**

**(2) Original and exclusive jurisdiction in all matters pertaining to the following:**

**(A) The probate and settlement of decedents' estates, trusts, and guardianships.**

**(B) The probate of wills.**

**(C) Proceedings to resist the probate of wills.**

**(D) Proceedings to contest wills.**

**(E) The appointment of guardians, assignees, executors, administrators, and trustees.**

**(F) The administration and settlement of:**

**(i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;**

**(ii) trusts, assignments, adoptions, and surviving partnerships; and**

**(iii) all other probate matters.**

**(3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.**

**(4) Original and exclusive juvenile jurisdiction.**

**(b) The small claims division of the court established in section 14(c)(5) of this chapter has the following jurisdiction:**

**(1) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(2) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(3) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**

**(4) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in emergency possessory actions between a landlord and tenant under IC 32-31-6.**

**(5) The small claims division of the court does not have jurisdiction in the following:**

**(A) Actions seeking injunctive relief or involving partition of real estate.**

**(B) Actions to declare or enforce a lien, except as provided in section 20.5 of this chapter.**

**(C) Actions in which the appointment of a receiver is asked.**

**(D) Suits for dissolution or annulment of marriage.**

SECTION 70. IC 33-33-49-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 10. (a) Except as provided in subsection (b), the court is a court of record. The court's judgments, decrees, orders, and proceedings have the same effect and shall be enforced in the same manner as those of the circuit court.**

**(b) The small claims division of the court is not a court of record.**

SECTION 71. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.**

**(b) Action of the court to remove the presiding judge or either associate presiding judge may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken.**

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges **and small claims judges** may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and ~~to~~ give all necessary certificates for the authentication of the records and proceedings in the court.

SECTION 72. IC 33-33-49-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. A judge of the court may do the following:

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus.
- (3) Appoint receivers, masters, and commissioners to:
  - (A) convey real property;
  - (B) grant commissions for the examination of witnesses; and
  - (C) appoint other officers necessary to transact the business of the court.

SECTION 73. IC 33-33-49-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.1. (a) A small claims judge shall be elected for a term of four (4) years that begins January 1 after the year of the small claims judge's election and continues through December 31 in the fourth year. The small claims judge shall hold office for the four (4) year term or until the small claims judge's successor is elected and qualified.

(b) A small claims judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the small claims division of the court is located.

SECTION 74. IC 33-33-49-13.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.2. (a) A small claims judge serving part time may participate in other gainful employment if the employment does not:

- (1) interfere with the exercise of the small claims judge's judicial office; or
- (2) involve any conflict of interest in the performance of the small claims judge's judicial duties.

(b) A small claims judge serving full time may practice law if the practice does not conflict in any way with the small claims judge's official duties and does not:

- (1) cause the small claims judge to be unduly absent from the court; or
- (2) interfere with the ready and prompt disposal of the small claims judge's judicial duties.

(c) A small claims judge and the employees of the small claims division of the court may be eligible to participate in the public employees' retirement fund as provided in IC 5-10.3, but a small claims judge is not eligible to participate as a member in the judges' retirement fund under IC 33-38.

(d) A vacation of one (1) month per year shall be provided for a full-time small claims judge. The executive committee may authorize the appointment of a small claims judge pro tempore to handle the judicial business of the vacationing small claims judge if the executive committee considers it necessary.

SECTION 75. IC 33-33-49-13.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2011]: Sec. 13.3. A small claims judge shall:

(1) furnish a bond in a sum required by the circuit court judge to provide for the:

- (A) faithful discharge of the duties of the office; and
- (B) payment or delivery to the proper persons of whatever money or other property may come into the small claims judge's hands when acting as small claims judge; and

(2) file the bond with the county recorder.

The bond must also extend to cover a person that is appointed to act as a small claims judge under section 13.4 of this chapter.

SECTION 76. IC 33-33-49-13.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.4. (a) If a small claims judge is unable to preside over the small claims judge's division of the small claims court during any number of days, the small claims judge may appoint in writing a person qualified to be a small claims judge under section 6(c) of this chapter to preside in place of the small claims judge.

(b) The written appointment shall be entered on the order book or record of the superior court. The appointee shall, after taking the oath prescribed for the small claims judges, conduct the business of the division subject to the same rules and regulations as small claims judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the county auditor as accruable to the small claims judge in whose place the appointee is serving.

SECTION 77. IC 33-33-49-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13.5. (a) A small claims judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with:

- (1) the small claims judge of another township division; or
- (2) the executive committee of the court;

as directed by the presiding judge.

(b) A:

(1) small claims judge with whom the docket of another small claims judge is deposited during a vacancy or an absence; and

(2) successor of any small claims judge who has the dockets of the successor's predecessor in the successor's possession;

may perform all duties that the small claims judge might do legally in relation to the small claims judge's own dockets.

(c) Process shall be returned to the small claims judge or judge who has the legal custody of the docket at the day of return.

SECTION 78. IC 33-33-49-14, AS AMENDED BY P.L.80-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method



as provided by court rule. The executive committee is responsible for the operation and conduct of the court. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive committee may be reelected. Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.
- (5) Small claims.**

(d) The work of each division shall be allocated by the rules of the court, **except to the extent that the work of the small claims division is otherwise provided by law. The judges shall extend aid and assistance to the small claims judges in the conduct of the small claims division of the court.**

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

**(f) The executive committee of the court, assisted by the small claims judges, shall make and adopt uniform rules for conducting the business of the small claims division of the court:**

- (1) according to a simplified procedure; and**
- (2) in the spirit of sections 20.1 and 20.3 of this chapter.**

**(g) The executive committee of the court, assisted by the small claims judges, may establish a regular hourly schedule for the performance of duties by full-time and part-time small claims judges. A small claims judge shall maintain the schedule. If the executive committee of the court does not establish a regular hourly schedule, the small claims judge shall perform the small claims judge's duties at regular, reasonable hours. Regardless of whether a regular hourly schedule has been established under this subsection, a small claims judge shall hold sessions in addition to the small claims judge's regular schedule when the business of the small claims judge's court requires.**

SECTION 79. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.1. The small claims division of the court is composed of township divisions. The name of each township division shall be the " \_\_\_\_\_ Township of Marion County Small Claims Division".**

SECTION 80. IC 33-33-49-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.2. (a) The voters of each township having a small claims division of the court shall elect a small claims constable at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:**

- (1) name of the candidate; and**
- (2) division of the court for which the candidate is to serve.**

**(b) Each township small claims division of the court shall have a constable who:**

- (1) acts as the bailiff;**
- (2) serves the division's personal service of process;**
- (3) has police powers to:**
  - (A) make arrests;**
  - (B) keep the peace; and**
  - (C) carry out the orders of the court;**
- (4) meets the qualifications prescribed by IC 3-8-1-31;**
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff;**
- (6) is responsible for:**
  - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and**
  - (B) all the official acts of the deputies;**
- (7) is compensated solely from the service of process fees collected under IC 33-37-4-6.5; and**
- (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable.**

**(c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:**

- (1) perform all the official duties required to be performed by the constable;**
- (2) possess the same statutory and common law powers and authority as the constable;**
- (3) must take the same oath required of the constable;**

(4) are compensated solely from the service of process fees collected under IC 33-37-4-6.5; and

(5) serve at the pleasure of the constable and may be dismissed at any time with or without cause.

(d) If there is an:

(1) emergency; or

(2) inability of a constable to carry out the constable's duties;

**the small claims judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.**

SECTION 81. IC 33-33-49-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. **Personnel of the small claims division of the court shall be appointed under rules of the court.** In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

SECTION 82. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) **Except as provided in subsection (b),** the court shall hold sessions in:

(1) the city-county building in Indianapolis; and

(2) other places in Marion County as the court determines.

(b) The city-county council shall:

(1) provide and maintain in the building and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; ~~and~~

(2) provide all necessary furniture and equipment for rooms and offices of the court;

**(3) determine whether each of the township divisions of the small claims division of the court shall be a full-time or part-time division; and**

**(4) determine where each of the township divisions of the small claims division of the court shall hold sessions.**

SECTION 83. IC 33-33-49-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge **or small claims judge** of that division or room of the court. The signature of the judge **or small claims judge** authenticates the actions of the court.

SECTION 84. IC 33-33-49-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 20. **Except as otherwise provided in this chapter concerning the small claims division of the court,** all laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

SECTION 85. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.1. A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

**(1) file the necessary papers; and**

**(2) present the person's case in court;**

**either to seek or to defend against a small claim without consulting or being represented by an attorney.**

SECTION 86. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.2. (a) Upon the filing of a complaint in the small claims division of the court, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same last known place of residence.**

**(b) If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.**

**(c) Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.**

SECTION 87. IC 33-33-49-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.3. (a) A trial in the small claims division of the court:**

**(1) must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and**

**(2) may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.**

(b) There may not be a trial by jury in the small claims division of the court.

(c) A filing of a civil claim in the small claims division of the court constitutes a waiver of trial by jury by the plaintiff.

(d) A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims division of the court shall transfer the claim out of the small claims division to the general jurisdiction of the court. The defendant shall pay all costs necessary for filing the claim in the general jurisdiction of the court as if the cause had been filed initially in the general jurisdiction of the court.

(e) A notice of claim filed in the small claims division of the court must include a statement that reflects the provisions of subsection (d).

SECTION 88. IC 33-33-49-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 20.4. (a) Except for a claim between landlord and tenant, a case within the jurisdiction of a township small claims division may be:

- (1) venued;
- (2) commenced; and
- (3) decided;

in any township small claims division within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days after service of the summons, the township small claims division in which the motion was filed shall determine in accordance with subsection (b) whether required venue lies with it or with another township small claims division in the county in which the small claims action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

- (1) In an action upon a debt or an account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.
- (2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
- (3) Venue is in the township (in a county of the small claims division) where the greater percentage of individual defendants included in the complaint resides or, if there is not a greater percentage, the place where any individual named as a defendant:
  - (A) resides;
  - (B) owns real estate; or
  - (C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.
- (4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims division sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the township small claims division, the township small claims division shall rule whether required venue lies in the township of filing.

SECTION 89. IC 33-33-49-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 20.5. (a) If the small claims judgment or order is against the defendant, the defendant shall pay the judgment at any time and upon terms and conditions as the small claims judge orders.

(b) If the small claims judge orders that the judgment be paid in specified installments, the small claims judge may stay the issuance of execution and other supplementary process during the period of compliance with the order.

(c) A stay ordered under subsection (b) may be modified or vacated by the small claims division of the court.

(d) All small claims judgments rendered in civil actions may be recorded in the judgment docket book of the proper township small claims division of the court.

(e) A judgment entered by a small claims judge is a lien on real estate when entered in the circuit court judgment docket in the same manner as a judgment in a court of general jurisdiction becomes a lien on real estate under IC 34-55-9.

(f) The judgments of the small claims division of the court shall be entered and properly indexed in the name of the judgment defendant as judgments of the general jurisdiction of the court are entered and indexed.

SECTION 90. IC 33-33-49-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. (a) A party may appeal an order or a judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

(b) All appeals from judgments of the small claims division of the court shall be taken to the general jurisdiction of the court and tried de novo. The rules of procedure for appeals must be in accordance with the rules established by the court. The appellant shall pay all costs necessary for the filing of the case in the general jurisdiction of the court as if the appeal were a case that had been filed initially in the general jurisdiction of the court.

SECTION 91. IC 33-33-49-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 24. (a) The judge of the Marion circuit court may, with the consent of the court acting through the superior court presiding judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

(b) The superior court presiding judge may not consent to a transfer to the small claims division of the court unless:

- (1) the small claims division of the court has jurisdiction of the cause concurrent with the circuit court; and
- (2) the small claims judge consents to the transfer.

SECTION 92. IC 33-33-49-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 25.1. (a) A judge of the court may order a cause filed in the general jurisdiction of the court to be transferred to the small claims division of the court if:

- (1) the small claims division of the court has jurisdiction of the cause concurrent with the general jurisdiction of the

court; and

(2) the small claims judge consents to the transfer.

(b) The presiding judge may transfer cases from one (1) township small claims division of the court to another as necessary.

SECTION 93. IC 33-33-49-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. The judge of the Marion circuit court may sit as a judge **or small claims judge** of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as a judge of the court with all the rights and powers of an elected judge **or small claims judge** of the court.

SECTION 94. IC 33-33-49-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26.1. (a) **A judge of the court may sit as a special small claims judge in the small claims division of the court.**

(b) **Except for mileage and travel expenses, a judge serving as a special small claims judge under this section may not receive compensation in addition to the salary provided under this article.**

(c) **A small claims judge may sit in place of another small claims judge and perform the other small claims judge's duties:**

(1) **at the direction of or with the approval of the presiding judge; and**

(2) **with the consent of the respective judges.**

SECTION 95. IC 33-33-49-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 27. Each judge **and small claims judge**, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of (judge **or small claims judge**) of the superior court of Marion County to the best of my ability."

The oath shall be filed with the clerk of the county.

SECTION 96. IC 33-33-49-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

- (1) remains fair and impartial in judicial functions;
- (2) maintains a high standard of morality in dealings, public and private;
- (3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and
- (4) continues to reside in Marion County.

(b) **A small claims judge remains qualified to hold office as long as the small claims judge meets the requirements of subsection (a) and:**

- (1) **continues to reside in the township from which the small claims judge was elected; or**
- (2) **was elected as a small claims judge in the township before January 1, 1999.**

~~(b)~~ (c) Complaints against a judge **or small claims judge** must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge **or small claims judge** of the superior court.

~~(c)~~ (d) A judge of the court must retire upon becoming

seventy-five (75) years of age. If the judge wishes to retire before the judge's term has ended or upon reaching the mandatory retirement age, the judge shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.

~~(d)~~ (e) When a vacancy occurs ~~in the court among the:~~

(1) **judges of the court** by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who:

(A) serves the balance of the term of the vacating judge;  
~~The successor judge must be and~~

(B) **is** a member of the same political party as the judge who is to be succeeded; **and**

(2) **small claims judges of the court by death, removal, retirement, or any other reason, the vacancy shall be filled under IC 3-13-10.**

SECTION 97. IC 33-33-49-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The clerk of the superior court shall furnish the following:

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms **and divisions** of the superior court and for the transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

SECTION 98. IC 33-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) **Except as provided in subsection (b),** court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.

(b) **Court costs fees under this chapter do not include service of process fees collected under IC 33-37-4-6.5.**

SECTION 99. IC 33-37-4-4, AS AMENDED BY P.L.174-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- ~~(5) Proceedings in small claims court under IC 33-34.~~
- ~~(6)~~ (5) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).

SECTION 100. IC 33-37-4-6, AS AMENDED BY P.L.174-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) **Except as provided in section 6.5 of this chapter**, for each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
  - (A) a small claims costs fee of thirty-five dollars (\$35);
  - (B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and
  - (C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.
- (3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

SECTION 101. IC 33-37-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.5. (a) For each small claims action filed under the jurisdiction of IC 33-33-49-9(b), the clerk shall collect from the party filing the action the following fees:**

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.**
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.**
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.**
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.**
- (5) A redocketing fee, if any, of five dollars (\$5).**
- (6) A document storage fee under IC 33-37-5-20.**
- (7) An automated record keeping fee under IC 33-37-5-21.**
- (8) A late fee, if any, under IC 33-37-5-22.**
- (9) A public defense administration fee under IC 33-37-5-21.2.**

**The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.**

**(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.**

SECTION 102. IC 33-37-5-21.2, AS AMENDED BY P.L.1-2006, SECTION 509, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 21.2. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a public defense administration fee of three dollars (\$3).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

SECTION 103. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

- (A) committed a crime;
- (B) violated a statute defining an infraction;
- (C) violated an ordinance of a municipal corporation; or
- (D) committed a delinquent act.

(2) The defendant is required to pay:

- (A) court costs, including fees;
- (B) a fine; or
- (C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

- (A) The end of the business day on which the court enters the conviction or judgment.
- (B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in ~~an~~ **a small claims** action under ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

- (1) is required to pay court fees or costs under ~~IC 33-34-8-1~~; **IC 33-37-4-6.5**;
- (2) is not determined by the court imposing the court costs to be indigent; and
- (3) fails to pay the costs in full before the later of the following:
  - (A) The end of the business day on which the court enters the judgment.
  - (B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 104. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.
- (4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or ~~IC 33-34~~, **in a division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);
- (4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);
- (5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and
- (6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and

ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 105. IC 33-37-5-27, AS AMENDED BY P.L.80-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 27. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a court administration fee of three dollars (\$3).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a court administration fee of three dollars (\$3).

SECTION 106. IC 33-37-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4.5. The clerk of a circuit court in a county having a consolidated city shall forward to the controller of the consolidated city one hundred percent (100%) of the fees collected under the following:**

- (1) IC 33-37-4-6.5(a)(1) (township docket fees).
- (2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).
- (3) IC 33-37-4-6.5(a)(3) (service of process costs).
- (4) IC 33-37-4-6.5(a)(4) (witness fees).
- (5) IC 33-37-4-6.5(a)(5) (redocketing fees).

**The clerk shall forward the fees in accordance with section 12 of this chapter.**

SECTION 107. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge

under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

**(e) This section does not apply to a small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 108. IC 33-38-5-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.1. (a) This section applies to a small claims judge (as defined in IC 33-33-49-5.2).**

**(b) The salary of a small claims judge who serves full time must be in an amount determined by the auditor of the county and approved by the city-county council.**

**(c) The salary of each small claims judge who serves part time must be in an amount determined by the auditor of the county and approved by the city-county council.**

**(d) The salary of a small claims judge may not be reduced during the small claims judge's term of office. At any other time, the salary of any full-time or part-time small claims judge may be increased or decreased by the auditor with the approval of the city-county council.**

**(e) The annual salary of a small claims judge shall be paid in twelve (12) equal monthly installments by the county.**

**(f) A small claims judge may not receive remuneration other than a salary set under this section for the performance of the**

**small claims judge's official duties except payments for performing marriage ceremonies.**

SECTION 109. IC 33-38-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in this chapter, "judge" means a person who serves or has served as a regular judge or justice of one (1) or more of the following courts:

- (1) Supreme court.
- (2) Court of appeals.
- (3) Indiana tax court.
- (4) Circuit court of a judicial circuit.
- (5) Superior court of a county.
- (6) Criminal court of a county having a separate criminal court.
- (7) Probate court of a county having a separate probate court.
- (8) Juvenile court of a county having a separate juvenile court.
- (9) Municipal court of a county.
- (10) County court of a county.

(b) **The term does not include a small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 110. IC 33-38-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. As used in this chapter, "judge" means an individual who holds or formerly held one (1) of the following offices or appointments:

- (1) Justice of the supreme court.
- (2) Judge of the court of appeals.
- (3) Judge of the tax court.
- (4) Judge of a circuit court.
- (5) Judge of a superior court.
- (6) Judge of a probate court.
- (7) Judge of a municipal court.
- (8) Judge of a county court.
- (9) Judge of a city court.
- (10) Judge of a town court.
- (11) **Small claims judge. of a small claims court.**
- (12) A judge pro tempore, senior judge, temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
- (13) Bail commissioner.
- (14) Magistrate.
- (15) Master commissioner.
- (16) Probate commissioner.
- (17) Referee.

SECTION 111. IC 33-38-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. As used in this chapter, "judge" means:

- (1) a judge of a superior or probate court; **and**
- (2) **a small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 112. IC 33-41-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) This section applies to the small claims ~~court division~~ established under ~~IC 33-34~~ **IC 33-33-49-14(c)(5).**

(b) The person who is designated by a **small claims** judge of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

SECTION 113. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58.

IC 15-3-4-2 (Concerning township trustees, **a health and hospital corporation established under IC 16-22-8**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 114. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied the fire ~~departments~~ **department of the following are a township (referred to as "the consolidating township")** is consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department").

(1) ~~A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the consolidated city.~~

(2) ~~Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).~~

(b) If the requirements of subsection (g) are satisfied, the consolidated fire department shall provide fire protection services within ~~an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied~~ **the consolidating township** on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city. **The ordinance may provide for a transition period between the date of the adoption of the ordinance and the effective date of the consolidation, which may not be later than January 1, 2009. The ordinance may prescribe a process for the transition.**

(c) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the ~~fire department consolidated into the fire department of the consolidated city of the consolidating township~~ are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of the consolidated city, the employees of the fire department ~~consolidated into the fire department of the consolidated city~~ **consolidating township** cease employment with the ~~fire department of the entity listed in subsection (a)~~ **consolidating township** and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the ~~fire department consolidated into the fire department of the consolidated city of the consolidating township~~ who become employees of the



consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **the consolidating township** is consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by the ~~entity~~ **consolidating township** or a building, holding, or leasing corporation on behalf of the ~~entity whose fire department is consolidated into the consolidated fire department under subsection (a)~~ **shall remain consolidating township remains** the debt of the ~~entity consolidating township~~ **consolidating township** and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation ~~shall remain~~ **remains** the ~~debt~~ **indebtedness** of the consolidated city and ~~the consolidated city may levy property taxes levied to pay the debt may indebtedness only be levied by in the fire special service district and not in the area of the consolidating township outside the fire special service district. Indebtedness related to fire protection services that is incurred by the consolidated city after the effective date of the consolidation is indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the combined area of the fire special service district and each consolidating township outside the fire special service district.~~

(f) If the requirements of subsection (g) are satisfied and the fire department of ~~an entity listed in subsection (a)~~ **a consolidating township** is consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) **This subsection does not apply to Center Township or a township that fulfilled the requirements of this subsection as it existed before July 1, 2007.** A township legislative body ~~after approval by the township trustee, may adopt a~~ **shall vote on a resolution approving the consolidation of to determine whether to consolidate** the township's fire department with the fire department of the consolidated city. ~~A The resolution that is voted on by the township legislative body must contain the following language:~~  
**"The fire department of (insert name of the township) shall be consolidated into the Indianapolis Fire Department."**

The township legislative body ~~may adopt~~ **may vote on** a resolution under this subsection only after the township legislative body has held ~~a public hearing at least three (3) public hearings~~ **at least three (3) public hearings** concerning the proposed consolidation. The township legislative body shall hold the **first** hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. **If at least four (4) members of the township legislative body has adopted a resolution under this subsection vote to adopt the resolution, the township trustee shall approve or reject the resolution within five (5) days after the resolution is presented to the trustee. If the trustee approves the resolution, the resolution is adopted and**

**the township legislative body shall forward the resolution to the legislative body of the consolidated city. If the township trustee rejects the resolution, either by returning it to the legislative body with a message announcing the trustee's rejection and reasons for the rejection or by not acting to approve or reject the resolution within five (5) days after the resolution is presented to the trustee, the resolution shall be considered defeated unless the township legislative body, at its first regular or special meeting passes the resolution over the trustee's rejection by an affirmative vote of four (4) members of the legislative body. The township legislative body and the township trustee must complete their actions in the adoption or rejection of a resolution under this subsection not later than December 31, 2007. If the resolution is adopted, the township legislative body shall after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, and the mayor of the consolidated city approves the ordinance, the requirements of this subsection are satisfied. The consolidation shall take effect not later than January 1, 2009, on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.**

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of ~~that the consolidating township is effective~~ **not later than January 1, 2009, on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.**

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the **first calendar year in which after** the consolidation is effective,

the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year **immediately** preceding the year in which the consolidation is effective for fire protection and related services **by for the consolidating township; whose fire department is consolidated into the fire department of the consolidated city under this section; and**

(B) is reduced for the **consolidating township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in determined under clause (A) for the year immediately** preceding the year in which the consolidation is effective. **for fire protection and related services for the township.**

(5) ~~The amount levied in balance on the year preceding the year in which date the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for in the consolidating township's cumulative building and equipment fund for fire protection and related services; is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services; which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.~~

**(A) remains in that fund; and**

**(B) shall be used by the consolidating township to pay any indebtedness related to fire protection services incurred before the effective date of the consolidation by the consolidating township or a building, holding, or leasing corporation on behalf of the consolidating township.**

**After payments are made under clause (B), the consolidating township may use money remaining in the fund to reduce the township's general fund ad valorem property tax levy.**

**(6) The consolidating township shall transfer to the consolidated city:**

**(A) the balance on the date the consolidation is effective in the consolidating township's firefighting fund established under IC 36-8-13-4; and**

**(B) amounts received for that fund by the consolidating township during the remainder of the calendar year in which the consolidation is effective.**

~~(6) (7) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the consolidating township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the~~

legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7) (8) The consolidated city may levy property taxes within as part of the consolidated city's maximum permissible ad valorem property tax levy limit for the following:~~

**(A) To provide for the payment of the expenses for the operation of the consolidated fire department. However, The consolidated city may levy property taxes under this clause only in the combined area of the fire special service district and each consolidating township outside the fire special service district.**

**(B) To fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation. The consolidated city may be levied levy property taxes under this clause only by in the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes and not in the consolidating township.**

**(C) To fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation. The consolidated city may be levied levy property taxes under this clause only by in the fire special service district within the fire special service district. Property taxes and not in the consolidating township.**

**(D) To fund the pension obligation for:**

**(i) members of the 1937 firefighters fund; who were not members of the fire department of the consolidated city on the effective date of the consolidation and**

**(ii) members of the 1977 police officers' and firefighters' pension and disability fund;**

**who were not members of the fire department of the consolidated city on the effective date of the consolidation. The consolidated city may be levied by the consolidated city within the city's maximum permissible ad valorem levy property tax levy. However, these taxes may be levied taxes under this clause only within in the combined area of the fire special service district and any townships that have consolidated fire departments under this section: each consolidating township outside the fire special service district.**

~~(8) (9) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:~~

**(A) the amount of any cost savings, operational efficiencies, or improved service levels; and**

**(B) any tax shifts among taxpayers;**

**that result from the consolidation. The independent evaluation**

and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 115. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in ~~those townships in the county that are consolidated under section 6.1 of this chapter:~~ **the applicable township.**

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 116. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.3. **The consolidated fire department may not provide fire protection services for:**

- (1) an excluded city; or
- (2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

**unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or by following the procedures set forth in IC 36-1-5-5.**

SECTION 117. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 1.1. Consolidation of Townships**

**Sec. 1.** This chapter applies only to a county having a consolidated city.

**Sec. 2.** Except as provided in section 3 of this chapter, if a township and consolidated city fulfill the requirements of IC 36-3-1-6.1(g) for the consolidation of the township fire department into the fire department of a consolidated city after June 30, 2007:

- (1) the functions, duties, and responsibilities of the township, township trustee, and township board concerning fire protection services are transferred on the effective date of the consolidation, which must be:

- (A) not later than January 1, 2009; and
- (B) agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation under IC 36-3-1-6.1;

- (2) the office of township trustee of the township is abolished effective January 1, 2011;
- (3) the township board of the township is abolished effective January 1, 2011;
- (4) effective January 1, 2011:

- (A) the functions, duties, and responsibilities of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14) are transferred to the health and hospital corporation operating under IC 16-22-8; and
- (B) the functions, duties, and responsibilities:

- (i) of the township trustee other than the functions, duties, and responsibilities under IC 36-6-4-3(7),

IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and

- (ii) of the township board of the township; are transferred to the consolidated city; and
- (5) beginning with property taxes first due and payable in 2011:

- (A) the health and hospital corporation operating under IC 16-22-8 may levy property taxes only in the combined area of the health and hospital corporation and each township to which this section applies; and
- (B) the consolidated city may levy property taxes only in the combined area of the consolidated city and each township to which this section applies.

**Sec. 3.** This section applies only to Center Township and any township that fulfilled the requirements of IC 36-3-1-6.1(g) as it existed before July 1, 2007. The following apply to a township under this section:

- (1) The functions, duties, and responsibilities (if any) of the township, township trustee, and township board concerning fire protection services are transferred on the effective date of the consolidation, which must be not later than January 1, 2009, notwithstanding any provision in a resolution or ordinance adopted under IC 36-3-1-6.1 that establishes an effective date after January 1, 2009.

- (2) Effective January 1, 2011, the office of township trustee of the township is abolished.

- (3) Effective January 1, 2011, the township board of the township is abolished.

- (4) Effective January 1, 2011:

- (A) the functions, duties, and responsibilities of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14) are transferred to the health and hospital corporation operating under IC 16-22-8; and

- (B) the functions, duties, and responsibilities:

- (i) of the township trustee other than the functions, duties, and responsibilities under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and

- (ii) of the township board of the township; are transferred to the consolidated city.

**Sec. 4.** The township assessor of each township that consolidates shall continue to perform all duties prescribed by statute within the township assessor's township and shall continue to be elected as set forth in IC 36-6-5.

**Sec. 5.** (a) On the date the consolidation of the fire department of the township into the fire department of the consolidated city is effective, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the fire protection service operations of the township shall be transferred to the fire department of the consolidated city.

- (b) On January 1, 2011, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the operations of the township other than the operations of the township assessor shall be transferred to the consolidated city in a manner consistent with sections 2(4) and 3(4) of this chapter.

Sec. 6. Any indebtedness incurred before the effective date of the consolidation by the township or a building, holding, or leasing corporation on behalf of the township remains the debt of the township and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation remains the indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the fire special service district and not in the area of the township outside the fire special service district. Indebtedness related to fire protection services that is incurred by the consolidated city after the effective date of the consolidation is indebtedness of the consolidated city and the consolidated city may levy property taxes to pay the indebtedness only in the combined area of the fire special service district and each township that consolidates under this chapter outside the fire special service district.

Sec. 7. Beginning January 1, 2011, notwithstanding any other law to the contrary, the township's distributive share of any state or local taxes or revenues (other than property taxes) shall be reduced to zero and shall be transferred to the consolidated city and the health and hospital corporation in a manner consistent with sections 2(4) and 3(4) of this chapter.

Sec. 8. (a) For property taxes first due and payable in 2011, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 is:

- (1) increased for the health and hospital corporation operating under IC 16-22-8 by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the duties of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14);
- (2) increased for the consolidated city by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the duties of the township trustee under IC 36-6-4-3 other than the duties under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and
- (3) subject to subsection (c), increased for the county by an amount equal to the part of the maximum permissible ad valorem property tax levy of the township for property taxes first due and payable in 2010 attributable to the operation of a small claims court.

The department of local government finance shall determine the

amounts of the maximum levy increases required by this subsection.

(b) Beginning with property taxes first due and payable in 2011:

- (1) the health and hospital corporation operating under IC 16-22-8 may levy property taxes only in the combined area of the health and hospital corporation and each township that consolidates under this chapter; and
- (2) the consolidated city may levy property taxes only in the combined area of the consolidated city and each township that consolidates under this chapter.

(c) With the approval of the county fiscal body, the county executive may appeal under IC 6-1.1-18.5 to increase the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3, as necessary, to reflect the county's assumption of the obligation to fund the small claims division. If the department of local government finance grants an appeal under this subsection, the department may increase the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 as the department determines necessary.

Sec. 9. (a) Before January 10, 2011, the township shall:

- (1) transfer to the health and hospital corporation operating under IC 16-22-8 the balance as of December 31, 2010, in the township's general fund attributable to the duties of the township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14);
- (2) transfer to the consolidated city the balance as of December 31, 2010, in the township's general fund attributable to the duties of the township trustee under IC 36-6-4-3 other than the duties under IC 36-6-4-3(7), IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and
- (3) transfer to the county the balance as of December 31, 2010, in the township's general fund attributable to the operation of a small claims court.

(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).

(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).

Sec. 10. The state board of accounts shall perform an evaluation and performance audit, due before March 1, 2012, and before March 1 in each of the following two (2) years, to determine:

- (1) the amount of any cost savings, operational efficiencies, or improved service levels; and
- (2) any tax shifts among taxpayers;

that result from the consolidation. The evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 118. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships~~ a township:

- (1) in a county not having a consolidated city; or
- (2) that did not consolidate under IC 36-6-1.1.

SECTION 119. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8. ~~except in a township that:~~
  - (A) is located in a county having a consolidated city; and
  - (B) consolidated the township's fire department under IC 36-3-1-6.1.
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 120. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies ~~only to all townships:~~ **a township:**

- (1) in a county not having a consolidated city; or**
- (2) that did not consolidate under IC 36-6-1.1.**

SECTION 121. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships:~~ **a township:**

- (1) in a county not having a consolidated city; or**
- (2) that did not consolidate under IC 36-6-1.1.**

SECTION 122. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships:~~ **a township:**

- (1) in a county not having a consolidated city; or**
- (2) that did not consolidate under IC 36-6-1.1.**

SECTION 123. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township legislative body.

(b) An advisory committee created under subsection (a) must include a representative of the affected township legislative body as determined by procedures established in an ordinance adopted by the legislative body of the consolidated city.

**(c) This subsection applies to a township that consolidated under IC 36-6-1.1. In preparing or revising a comprehensive plan for a township that is part of a consolidated township established under IC 36-6-1.1, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for each**

#### **individual township.**

SECTION 124. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:

- (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

- (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1; ~~provided that;~~ **however,** the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
- (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;
- (7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and
- (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 125. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

- (1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.
- (2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**

**(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

**(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:**

**(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 126. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of

service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1;
- (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1; and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

- (1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and
- (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

- (1) ~~(A)~~ retired for purposes of section 10 of this chapter; or
- (2) ~~(B)~~ disabled for purposes of section 12 of this chapter; solely because of a change in employer under the

consolidation; and

**(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**

SECTION 127. IC 36-8-15-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. As used in this chapter, "excluded city" refers to a unit described in IC 36-3-1-7.**

SECTION 128. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.** (a) This subsection applies to a county not having a consolidated city. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. **The ordinance must provide or be amended to provide that, upon submission of a claim to the chief executive officer for the district in the form prescribed by the state board of accounts, the district shall reimburse an excluded city for facility and other communications systems costs incurred by a public agency of the excluded city after December 31, 2006, that are not directly paid by the district. The board shall reimburse the excluded city for outstanding claims for facility and other communications systems costs incurred after December 31, 2006, and submitted to the district:**

- (1) before December 2, 2007, for costs incurred after December 31, 2006, and before December 1, 2007; and**
- (2) before December 2 in a year after 2007 for costs incurred in the immediately preceding twelve (12) months.**

If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad

valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

SECTION 129. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies ~~only to all townships.~~ **a township:**

- (1) in a county not having a consolidated city; or**
- (2) that did not consolidate under IC 36-6-1.1.**

SECTION 130. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to the townships indicated in each section.

**(b) This chapter does not apply to a township that consolidated under IC 36-6-1.1. All powers and duties related to parks and recreation of a township that consolidated under IC 36-6-1.1 shall be transferred to the consolidated city.**

SECTION 131. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to ~~all townships.~~ **a township.**

**(b) This chapter does not apply to a township that consolidated under IC 36-6-1.1. All powers and duties related to parks and recreation of a township that consolidated under IC 36-6-1.1 are transferred to the consolidated city.**

SECTION 132. IC 33-34 IS REPEALED [EFFECTIVE JANUARY 1, 2011].

SECTION 133. [EFFECTIVE JULY 1, 2007] **(a) Any case pending in a township small claims court established by IC 33-34, as repealed by this act, after the close of business on December 31, 2010, is transferred on January 1, 2011, to the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act. A case transferred under this SECTION shall be treated as if the case were filed in the corresponding township division of the small claims division of the Marion superior court.**

**(b) On January 1, 2011, all property and obligations of a township small claims court established by IC 33-34, as repealed by this act, become the property and obligations of the corresponding township division of the small claims division of**

**the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act.**

**(c) This SECTION expires January 2, 2012.**

SECTION 134. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a judge in office in a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2010. The election for the initial small claims judges to be elected to the township divisions of the small claims division of the Marion superior court under IC 33-33-49-13.1, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the judge in office in a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2010, would have terminated under the law in effect on December 31, 2010.**

**(b) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a constable for a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2010. The election for the initial small claims constables to be elected under IC 33-33-49-14.2, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the constable for a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2010, would have terminated under the law in effect on December 31, 2010.**

**(c) This SECTION expires January 2, 2015.**

SECTION 135. [EFFECTIVE JULY 1, 2007] **The general assembly finds the following:**

- (1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.**
- (2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.**
- (3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.**
- (4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform**



within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through consolidation of certain county, city, and township services and operations.

(9) Consolidation of certain county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;
- (B) provide better coordinated and more uniform delivery of local governmental services;
- (C) provide more unified tax rates; and
- (D) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(10) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(11) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 136. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "incumbent trustee" refers to an individual elected to the office at the November 7, 2006, general election.

(b) As used in this SECTION, "office" refers to the office of township trustee.

(c) Notwithstanding IC 36-6-1.1, as added by this act, and IC 36-6-4, IC 36-6-7, and IC 36-6-8, all as amended by this act, an incumbent trustee holding an office that is abolished by this act is entitled to serve in the office through December 31, 2010.

(d) This SECTION expires July 1, 2011.

SECTION 137. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "incumbent township board member" refers to an individual elected to the office at the November 2, 2004, general election.

(b) As used in the SECTION, "office" refers to the office of a member of the township legislative body.

(c) Notwithstanding IC 36-1-1.1, as added by this act, and IC 36-6-6 and IC 36-6-8, both as amended by this act, an incumbent township board member holding an office that is

abolished by this act is entitled to serve in the office through December 31, 2008.

(d) The successor to the incumbent township board member described in subsection (c):

(1) shall be elected to the office at the general election to be held in 2008; and

(2) shall serve a term of office through December 31, 2010.

(e) This SECTION expires July 1, 2011.

SECTION 138. [EFFECTIVE JULY 1, 2007] The legislative services agency shall prepare legislation for introduction in the 2008 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

SECTION 139. An emergency is declared for this act.

(Reference is to EHB 1568 as printed April 6, 2007.)

MERRITT

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 381: yeas 31, nays 17.

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1510

Senator Merritt called up Engrossed House Bill 1510 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 1510-4)

Madam President: I move that Engrossed House Bill 1510 be amended to read as follows:

Page 29, between lines 29 and 30, begin a new line blocked left and insert:

"The term does not include a device played for amusement that rewards a player exclusively with a toy, a novelty, or a ticket or coupon redeemable for a toy or a novelty that has a wholesale value of not more than the lesser of ten (10) times the amount charged to play the amusement device one (1) time or five dollars (\$5)."

(Reference is to EHB 1510 as printed April 3, 2007.)

MERRITT

Motion prevailed.

#### SENATE MOTION

(Amendment 1510-1)

Madam President: I move that Engrossed House Bill 1510 be amended to read as follows:

Page 22, line 35, after "IC 35-45-5" insert "(gambling) and under IC 35-45-6-2 (corrupt business influence), if the racketeering activity involves promoting professional gambling (IC 35-45-5-4)."

Page 22, line 36, delete "a violation" and insert "crimes".

Page 22, line 37, after "IC 35-45-5" insert "(gambling) and under IC 35-45-6-2 (corrupt business influence), if the racketeering activity involves promoting professional gambling (IC 35-45-5-4)."

Page 23, line 9, after "IC 35-45-5" insert "(gambling) and under IC 35-45-6-2 (corrupt business influence), if the racketeering activity involves promoting professional gambling

(IC 35-45-5-4)".

Page 23, line 11, after "IC 35-45-5" delete "," and insert "(gambling), or under IC 35-45-6-2 (corrupt business influence), and the racketeering activity involves promoting professional gambling (IC 35-45-5-4)".

Page 24, line 24, after "IC 35-45-5" insert "(gambling) or under IC 35-45-6-2 (corrupt business influence), if the racketeering activity involves promoting professional gambling (IC 35-45-5-4)".

(Reference is to EHB 1510 as printed April 3, 2007.)

BRAY

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1046

Senator Kruse called up Engrossed House Bill 1046 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1046-2)

Madam President: I move that Engrossed House Bill 1046 be amended to read as follows:

Page 5, line 42, after "knowingly" insert "and with intent to defraud".

(Reference is to HB 1046 as printed April 6, 2007.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1804

Senator Landske called up Engrossed House Bill 1804 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1804-6)

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 73, line 35, after "Sec. 6." insert "(a)".

Page 73, between lines 40 and 41, begin a new paragraph and insert:

"(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant".

(Reference is to EHB 1804 as printed April 6, 2007.)

LANDSKE

Motion prevailed.

SENATE MOTION  
(Amendment 1804-2)

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 7. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

DEIG

Motion prevailed.

SENATE MOTION  
(Amendment 1804-1)

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 67, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 90. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless shall~~ be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

DEIG

Upon request of Senator Deig the President ordered the roll of the Senate to be called. Roll Call 382: yeas 17, nays 31.

Motion failed.

SENATE MOTION  
(Amendment 1804-4)

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 53, delete lines 36 through 42.

Page 54, delete lines 1 through 27.

Page 56, delete lines 20 through 36.

Page 64, delete lines 19 through 35.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

LANANE

Motion prevailed.

SENATE MOTION  
(Amendment 1804-3)

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 67, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 90. IC 3-11.7-5-1.5, AS AMENDED BY P.L.164-2006, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) Subsection (c) applies to a provisional ballot that the county election board determines, by a majority vote of its members and in accordance with this title:

- (1) has been marked and cast by a voter in compliance with this title; but
- (2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

- (1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.
- (2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

(d) Notwithstanding subsection (c) **or (g)**, if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in ~~that precinct, the county~~, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and

(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;  
the provisional ballot shall be counted.

**(g) This subsection applies to a provisional ballot cast by a voter whom the county election board determines on the basis of evidence presented to the board was eligible to cast a regular ballot in the county, but who cast a provisional ballot in a precinct other than the precinct in which the voter resides. The provisional ballot shall be counted as provided in section 2(d) of this chapter.**

SECTION 91. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the ~~precinct~~ **county** and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.
- (3) Based on all the information available to the county election board, including:

- (A) information provided by the provisional voter;
  - (B) information contained in the county's voter registration records; and
  - (C) information contained in the statewide voter registration file;
- the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

**(d) This subsection applies to the provisional ballot of a voter whom the county election board determines on the basis of evidence presented to the board was eligible to cast a regular ballot in the county, but who cast a provisional ballot in a precinct other than the precinct in which the voter resides. Except as provided in section 5 of this chapter, if the provisional ballot meets the requirements of subsection (a), the provisional ballot is valid, but only the votes for those offices and public questions that are identical to the offices and public**

**questions on the ballot in the precinct in which the voter resides shall be counted.**

SECTION 92. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the ~~precinct, county~~, that the voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

SECTION 93. IC 3-11.7-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. **(a) Except as provided in subsection (b),** during the counting of the ballots:

- (1) the counter counting the ballots;
- (2) a member of the county election board; or
- (3) a representative designated by the member;

may protest the counting of any ballot or any part of a ballot.

**(b) A counter, member, or representative described in subsection (a) may not protest the counting of a provisional ballot or any part of a ballot that is valid under section 2(d) of this chapter because the voter voted in a precinct other than the precinct in which the voter resides."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

BRODEN

Motion failed. The bill was ordered engrossed.

### Engrossed House Bill 1503

Senator Lawson called up Engrossed House Bill 1503 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1503-1)

Madam President: I move that Engrossed House Bill 1503 be amended to read as follows:

Page 1, line 10, delete "state department" and insert "**medical licensing board**".

Page 1, line 15, delete ":" and insert "**is a forensic pathologist or**".

Page 2, line 1, delete "(A)".

Page 2, line 1, delete "; or".

Page 1, run in line 15 through page 2, line 1.

Page 2, delete line 2.

Page 2, run in lines 1 and 3.

Page 2, line 4, delete "state department" and insert "**medical licensing board**".

Page 2, line 6, after "pathologists" insert "**who are not forensic pathologists**".

Page 2, line 7, after "investigations." insert "**The medical licensing board may not require a forensic pathologist to participate in the annual training program.**".

Page 2, line 8, after "pathologist" insert "**who is not a forensic pathologist**".

Page 2, line 10, delete "state department" and insert "**medical licensing board**".

Page 2, line 11, after "(c)." insert "**A forensic pathologist is considered qualified as a child death pathologist and the medical licensing board shall issue a forensic pathologist a child death pathologist certificate.**".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 25-22.5-2-7, AS AMENDED BY P.L.1-2006, SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

**(11) Adopt rules that establish:**

(A) certification requirements for child death pathologists; and

(B) an annual training program for certified child death pathologists.

(12) Issue a certificate to a qualified child death pathologist."

Page 2, line 23, after "physicians," insert "**coroners**,".

Page 2, line 40, after "physicians," insert "**coroners**,".

Page 3, between lines 1 and 2, begin a new paragraph and insert: "SECTION 5. IC 31-33-25-8, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The statewide child fatality review committee consists of the following members appointed by the governor:

(1) a coroner or deputy coroner;

(2) a representative from:

(A) the state department of health established by IC 16-19-1-1;

(B) a local health department established under IC 16-20-2; or

(C) a multiple county health department established under IC 16-20-3;

(3) a pediatrician;

(4) a representative of law enforcement;

(5) a representative from an emergency medical services provider;

(6) the director or a representative of the department;

(7) a representative of a prosecuting attorney;

(8) a pathologist with forensic experience who is:

(A) **certified by the American Board of Pathology in forensic pathology; and**

(B) licensed to practice medicine in Indiana;

(9) a mental health provider;

(10) a representative of a child abuse prevention program; and

(11) a representative of the department of education."

Page 3, line 7, delete "state department" and insert "**medical licensing board**".

Page 3, line 8, delete "IC 16-35-7-4." and insert "**IC 16-35-7-3**".

Page 3, line 15, delete "6.7(a)" and insert "**6.7(b)**".

Page 3, line 16, delete "6.7(f) and 6.7(g)" and insert "**6.7(e) and 6.7(f)**".

Page 3, line 32, delete "the certified" and insert "**the county prosecutor shall determine whether an autopsy is necessary**".

Page 3, delete lines 33 through 40.

Page 3, line 41, delete "committee shall determine if the autopsy is necessary."

Page 3, run in lines 32 and 41.

Page 3, line 42, after "pathologist" insert ", **forensic pathologist, or a pathology resident acting under the direct supervision of a child death pathologist or forensic pathologist**".

Page 4, line 5, after "pathologist" insert ", **forensic pathologist, or a pathology resident acting under the direct supervision of a child death pathologist or forensic pathologist**".

Page 4, line 7, delete "coroner" and insert "**prosecutor**".

Page 7, delete lines 11 through 31.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1503 as printed April 6, 2007.)

Motion prevailed.

SENATE MOTION  
(Amendment 1503-2)

Madam President: I move that Engrossed House Bill 1503 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), ~~a one dollar (\$1)~~ the coroners continuing education fee **described in subsection (d)** must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

**(d) The coroners continuing education fee is:**

**(1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;**

**(2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;**

**(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;**

**(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;**

**(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;**

**(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;**

**(7) three dollars and twenty-cents (\$3.25) after June 30, 2038, and before July 1, 2043; and**

**(8) three dollars and fifty cents (\$3.50) after June 30, 2043."**

Page 3, line 8, delete "IC 16-35-7-4." and insert "**IC 16-35-7-3**".

Page 3, line 15, delete "6.7(a)" and insert "**6.7(b)**".

Page 3, line 16, delete "6.7(f)" and insert "**6.7(e)**".

Page 3, line 16, delete "6.7(g)" and insert "**6.7(f)**".

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 7. IC 36-2-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

- (1) has died from violence;
- (2) has died by casualty;
- (3) has died when apparently in good health;
- (4) has died in an apparently suspicious, unusual, or unnatural manner; or
- (5) has been found dead;

~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(b) The coroner:

- (1) ~~shall file with the person in charge of interment a coroner's certificate of death within seventy-two (72) hours after being notified of the death. If the cause of death is not established with reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as he determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his official records: a certificate of death with the county health department or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;~~
- (2) **shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and**
- (3) **may file a pending investigation certificate of death before completing the certificate of death, if necessary.**

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(d) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a physician:

- (1) certified by the American board of pathology; or
- (2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. ~~A coroner may employ the services of the medical examiner system, provided for in IC 4-23-6-6; when an autopsy is required, as long as this subsection is met:~~

(e) If:

(1) at the request of:

- (A) the decedent's spouse;
- (B) a child of the decedent, if the decedent does not have a spouse;
- (C) a parent of the decedent, if the decedent does not have a spouse or children;
- (D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or
- (E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, ~~where~~ two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child."

Page 3, line 41, delete "determine if" and insert **"determine whether"**.

Page 4, line 20, delete "whose death is".

Page 4, line 22, delete "whose death is".

Page 4, line 25, delete "whose death is".

Page 4, line 31, delete "on the subject".

Page 4, line 33, delete "except if" and insert **"unless"**.

Page 5, line 5, delete "each" and insert **"the"**.

Page 5, line 5, after "death" insert **"of a child"**.

Page 5, line 15, after "infraction." insert **"However, the offense is a Class A misdemeanor if it is done with the intent to hinder a criminal investigation."**

Page 5, line 16, after "who," insert **"with the intent to hinder a criminal investigation and"**.

Page 5, line 17, strike "moves or transports".

Page 5, line 18, strike "from".

Page 5, line 18, after "from" insert **"alters"**.

Page 5, line 18, strike "the body".

Page 7, line 12, reset in roman "(a)".

Page 7, line 12, after "(a)" insert **"As used in this section, "autopsy" means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.**

**(b)"**.

Page 7, line 12, reset in roman "Except as".

Page 7, reset in roman lines 13 through 21.

Page 7, line 22, delete "(a) Except" and insert **"(c) Except"**.

Page 7, line 22, reset in roman "subsection".

Page 7, line 22, before "and" insert **"(b)"**.

Page 7, line 22, reset in roman "and".

Page 7, line 28, delete "(b)" and insert "(d)".

Page 7, after line 31, begin a new paragraph and insert:

"SECTION 13. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. A coroner shall follow the procedures set forth in IC 29-2-16 concerning organ and tissue procurement.**

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14."

(Reference is to EHB 1503 as printed April 6, 2007.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

#### **Engrossed House Bill 1349**

Senator Mishler called up Engrossed House Bill 1349 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### **ENGROSSED HOUSE BILLS ON THIRD READING**

#### **Engrossed House Bill 1017**

Senator Heinold called up Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 383: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1027**

Senator Bray called up Engrossed House Bill 1027 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic matters.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 384: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1078**

Senator Meeks called up Engrossed House Bill 1078 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 385: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1115**

Senator Steele called up Engrossed House Bill 1115 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 386: yeas 36, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1128**

Senator Becker called up Engrossed House Bill 1128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 387: yeas 33, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1173**

Senator Kruse called up Engrossed House Bill 1173 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 388: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1220**

Senator Miller called up Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 389: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1256

Senator Lubbers called up Engrossed House Bill 1256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 390: yeas 39, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1274

Senator Bray called up Engrossed House Bill 1274 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 391: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1312

Senator Lawson called up Engrossed House Bill 1312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 392: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### Engrossed House Bill 1339

Senator Lawson called up Engrossed House Bill 1339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 393: yeas 46, nays 2. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### SENATE MOTION

Madam President: I move that Senator Howard be added as cosponsor of Engrossed House Bill 1115.

STEELE

Motion prevailed.

#### MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

#### SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 105 and that a conference committee be appointed to confer with a like committee of the House.

LANANE

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Engrossed Senate Bill 250.

JACKMAN

Motion prevailed.

#### REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed House Bill 1478.

Page 45, between lines 41 and 42, begin a new line double block indented and insert:

**"(D) One (1) member appointed from nominees submitted by the Indiana Library Federation.**

**(E) One (1) member appointed from nominees submitted by the Indiana Township Association."**

(Reference is to EHB 1478 as printed April 6, 2007.)

LONG

Report adopted.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 501 and 401 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House



MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 339, 503, and 537 with amendments and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 68 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 45, 56, 105, 129, 154, 171, 190, 205, 206, 207, 232, 250, 286, 287, 292, 293, 310, 315, 328, 504, 329, 330, and 334 with amendments and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 11:00 a.m., Wednesday, April 11, 2007.

LAWSON

Motion prevailed.

The Senate adjourned at 9:00 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate